

“The dead can no longer be counted” (*“On ne peut plus compter les morts”*) is an extract from an anonymous testimony from a resident of Gisenyi, northwestern Rwanda, November 1997.

TABLE OF CONTENTS

I.	Introduction	1
II.	Background to the intensified armed conflict in the northwest	2
III.	Killings of unarmed civilians since October 1997	5
	III.1. Killings attributed to RPA soldiers	5
	III.2 Killings attributed to armed opposition groups	10
	III.3 Killings by unidentified individuals or groups	12
IV.	Further information on killings before October 1997	14
V.	Judicial action against RPA soldiers accused of human rights violations	15
VI.	Recommendations	

RWANDA

Civilians trapped in armed conflict

*“The dead can no longer be counted.”*¹

I. Introduction

Throughout October, November and early December 1997, Amnesty International received almost daily reports of killings of unarmed civilians in Rwanda, in particular extrajudicial executions by soldiers of the Rwandese Patriotic Army (RPA) and deliberate and arbitrary killings by armed opposition groups. Examples of particularly grave abuses by both sides are included in the present report. Most of the major incidents reported in the last quarter of 1997 have occurred in the northwestern *préfecture* of Gisenyi², others in the neighbouring *préfecture* of Ruhengeri. Recently, killings have also taken place in the more central *préfectures* of Gitarama and Rural Kigali. This report updates a 55-page report published by Amnesty International on 25 September 1997, *Rwanda: Ending the Silence* (AFR 47/32/97). The September report describes the human rights situation in Rwanda between January and September 1997.

The incidents described in the present report represent only a fraction of those reported from Rwanda since October 1997. Many other cases of killings have been reported during this period but to date, Amnesty International has not been able to verify them. As mentioned in *Rwanda: Ending the Silence*, the inaccessibility of many areas in the northwest where most of the killings are taking place means that independent investigations into reported killings are difficult and time-consuming. These difficulties appear to be intensifying. Weeks can go by before details of killings - including the identity of the victims and the exact circumstances of the events - are revealed and confirmed. In some cases, it has not yet been possible to ascertain the identity of the perpetrators. The time it takes for testimonies to reach the outside world is aggravating the despair of the population in these regions of Rwanda, who continue to suffer serious human rights abuses while most of the world remains silent - a despair illustrated by the extract from a testimony from Gisenyi, quoted above: *“The dead can no longer be counted.”*

Amnesty International has decided to publish the available information without delay, in order to highlight the urgency of the situation and to prompt more effective preventive action by the authorities in Rwanda and influential foreign actors. Without such action, thousands more men, women and children are likely to lose their lives in the violence which is engulfing much of

¹ *“On ne peut plus compter les morts”*. Extract from an anonymous testimony from a resident of Gisenyi, November 1997.

² Rwanda is divided into 12 *préfectures* (regions), which are divided into *communes* (districts), in turn divided into *secteurs* (sectors); *secteurs* are further divided into *cellules* (cells). The French terms are used throughout this report to enable precise references to the locations.

Rwanda. In the meantime, Amnesty International is continuing to undertake detailed research into these and other incidents.

II. Background to the intensified armed conflict in the northwest ³

Throughout 1997, intense fighting has continued in the northwest between the RPA and armed opposition groups believed to include members of the former *Forces armées rwandaises* (ex-FAR) - the former Rwandese army - and *interahamwe* militia who participated in the genocide in Rwanda in 1994. Casualties of attacks by both sides have included large numbers of unarmed civilians. One source claimed in November that on average, at least one whole family was being killed every day. Members of armed opposition groups and RPA soldiers have also been killed during the fighting.

The armed conflict has been especially fierce in the northwestern *préfecture* of Gisenyi, where almost all the *communes* have been severely affected. This area - former President Juvénal Habyarimana's home *préfecture* - is populated in majority by members of the Hutu ethnic group and has long been seen as an area of resistance against the government formed by the Tutsi-dominated Rwandese Patriotic Front (RPF) since July 1994.

Local residents in areas affected by the armed conflict are living in terror of both RPA soldiers and armed opposition groups. They complain that the army does not intervene to protect them even when they call for help. In most cases, local civilian authorities appear unable or powerless to intervene; several local officials have been killed, others arrested, others suspended and not replaced. Many residents of these areas are no longer living in their homes, for fear of being killed. There is an increasingly large population of displaced persons, living in the bush and always on the move. This in turn exposes them to the threat of further violence from both sides.

Since October, armed opposition groups appear to have become bolder and more ruthless in their attacks. Their attacks have become more frequent and the assailants are operating in larger numbers, in some cases allegedly in groups of several hundred at a time. These groups have attacked both military and civilian targets.

The RPA has continued to mount large-scale "cordon and search" operations in areas where armed opposition groups are believed to be active. During these operations, hundreds of unarmed civilians have been extrajudicially executed; alleged insurgents have also been killed. Little or no attempt appears to be made to spare civilian lives during these operations. On the contrary, civilians who happen to be present when the army arrives are often deliberately killed. Most of the civilians living in these areas tend to flee as soon as they see soldiers arriving; many have been shot while attempting to flee.

³ This section provides only a brief background to the killings in Rwanda. For more detailed information on the armed conflict and the broader context in which these killings are occurring, please refer to the Amnesty International report *Rwanda: Ending the Silence*, 25 September 1997 (AFR 47/32/97).

Most of the killings attributed to RPA soldiers have been carried out in the context of counter-insurgency operations. While attacks by armed opposition groups have become more frequent and have also claimed many civilian lives, information from a range of local sources indicates that by mid-December, the unarmed civilians killed by the RPA still outnumbered those killed by the armed opposition groups.

Military and government officials have generally continued to claim that most or all of those killed by the RPA are armed insurgents. When confronted with reports that many civilians have also been killed, the authorities have claimed that the insurgents sometimes pretend to be civilians, or that civilians mix with the insurgents and that it is not possible to distinguish them. The authorities have argued that the insecurity in Rwanda is not as widespread as it is sometimes portrayed. On 4 December, in an interview with Radio Rwanda about the security situation in the country, RPA spokesperson Major Richard Sezibera reportedly stated: “*The armed forces have done a very good job.*”

Armed opposition groups in various parts of Gisenyi, for example in the *communes* of Gaseke and Satinsyi, have reportedly killed people suspected of collaborating with the authorities in denouncing them. There are reports that they have sometimes prevented people from taking part in “security meetings” organized by the authorities and that they have coerced people - in particular local civilian authorities - into providing them with accommodation and food. As a result, some local officials, including several *conseillers de secteur*, have moved to live closer to military positions in the hope of greater protection.

An attack by armed opposition groups on Gisenyi airport is reported to have taken place on 8 October. Amnesty International has not been able to confirm details of this attack or the number of civilian casualties during the heavy fighting which reportedly ensued between the assailants and RPA soldiers deployed into the area. Following the attack, it was reported that many local residents had fled the surrounding *communes* of Rubavu, Rwerere and Mutura.

On around 5 November, fighting between armed opposition groups and RPA soldiers in Matyazo *secteur*, Satinsyi *commune*, Gisenyi, lasted around three days. This area is believed to be a stronghold of armed opposition elements, who have carried out attacks on military posts there, including one located near Muramba secondary school, and set fire to military vehicles on several occasions.

In November and December, armed opposition groups freed hundreds of detainees from several local detention centres (*cachots*) - in Giciye, on 17 November, in Rwerere, on 2 December (both in Gisenyi *préfecture*) and in Bulinga, a *commune* in Gitarama *préfecture* which borders Gisenyi, on 3 December. An unknown number of people are reported to have died during these attacks (see part III.3 below).

Thousands of RPA troops are reported to be engaged in counter-insurgency operations, under the command of Colonel Kayumba Nyamwasa, the deputy chief of staff of the Gendarmerie, now effectively in charge of military operations in the northwest. In the last week of November, in particular, there were frequent reports of movements of large contingents of RPA troops, as well as tanks and artillery, around Gisenyi. Automatic gunfire and explosions were heard around Gisenyi airport and RPA troops were reportedly seen setting up trenches and roadblocks around the

airport. There have also been frequent reports of the RPA using military helicopters for surveillance operations in areas affected by armed conflict. Moreover, several separate sources have alleged that these helicopters have also been used to attack these areas (see part III.1 below).

During their searches for insurgents, RPA soldiers have burned houses and crops and carried out widespread looting. One man whose house in Ruhengeri was searched by soldiers in October described how the soldiers broke down doors and furniture, claiming that they were looking for hidden arms. When they found nothing, they set fire to the inhabitants' belongings, including mattresses, clothes and books, then left taking other belongings with them.

The civilian population is suffering not only a high level of killings, but also severe shortages of food and medical supplies as a result of deliberate looting and destruction by government soldiers and insurgents. Several health centres, for example in Karago and Rwerere *communes* in Gisenyi, were reported to have closed following looting of medicines and other supplies. Life-threatening illnesses in the area are often left untreated. Ill-health is aggravated by a shortage of food in some areas affected by the conflict, as land is left uncultivated or crops are not harvested when the civilian population is displaced by the insecurity.

In order to escape the persistent violence in many parts of the northwest, thousands of people have fled across the border from Rwanda into the Democratic Republic of Congo (DRC) - around Goma in North-Kivu province - particularly since October. However, many were then rounded up again by Congolese soldiers and forced to return to Rwanda within weeks or even days. Around 4,500 Rwandese refugees were expelled in this way between early October and early December 1997. Many of them came from areas of Rwanda affected by great insecurity; for example, the majority of 1,400 refugees expelled on 5 December are from Gisenyi *préfecture*.

III. Killings of unarmed civilians since October 1997

III.1 Killings attributed to RPA soldiers⁴

On 3 October, in Satinsyi *commune*, Gisenyi, RPA soldiers reportedly killed seven members of the family of Pierre Rwanzegushira and five children of Martin Semaganya, four girls and one baby boy. The victims were reportedly killed in their homes.

On 30 October, RPA soldiers reportedly killed a number of civilians in Gihinga *secteur*, Rushashi *commune*, in Rural Kigali *préfecture*. The victims included two sisters, **Glyceria**, aged 18, and **Euphrasie**, aged 17, **Musabyimana** and the baby she was carrying on her back, two boys who were herding cattle, **Straton** aged 10 and **Nkiriyehe** aged 12, and a 20 year-old man, **Gaspard**. The killings appear to have been in revenge for the murder by unknown assailants of a man named **Rukera** believed to be an RPA informer.

⁴ This section also includes reports of killings by armed Tutsi civilians assisted by RPA soldiers.

On 31 October, hundreds of civilians were reported killed indiscriminately by RPA soldiers in a large military operation in Rwinzovu, Busogo and Nyabirehe *secteurs*, in Muringo *commune*, Ruhengeri. The victims included whole families; in several cases, grandparents, parents and children were all killed, some in their homes, others as they were trying to flee.

On 7 November, RPA soldiers carried out a military operation in Bucyende *secteur*, Gaseke *commune*, Gisenyi, in which at least five people were killed, including **Fidèle Rwangarinde, Jean Rusingizwa, Bwankwi, Mathias Zihuramyé and his wife**, all of whom were reportedly too old to flee when the soldiers arrived. The soldiers reportedly also looted and burned houses in the area. The operation followed an attack the previous day in which armed opposition groups had reportedly killed an unknown number of soldiers at Rwankenke, in the same *commune*.

On 9 November, RPA soldiers surrounded an area known as Gashyushya, in Ntaganzwa *secteur*, Kibilira *commune*, in Gisenyi, and reportedly shot indiscriminately at people who happened to be in the area, including elderly people, pregnant women and children. Soldiers reportedly killed others with machetes, knives and farming implements. At least 150 people were killed, according to a list drawn up by local authorities. The total number of victims is probably higher, as this initial list does not include the names of young children who were killed; nor does it include other victims whose bodies have not yet been found. Some of the bodies were buried in mass graves, others thrown into the river, others were removed to unknown locations. It is not clear who disposed of the bodies. Amnesty International has received the names of 47 of the victims, of whom at least 18 are women; they include **Claudine, Nyirahabineza, Mukamana, Fortunée, Drocella, Nyiramanzi, Mukarusagara, Françoise, Vestine, Mukamuhire, Stéphanie, Liberata and Mukabalinda**.

On the night of 11 to 12 November, a family of 10 people were reportedly killed by RPA soldiers in Nyarushamba *secteur*, Rwerere *commune*, Gisenyi. The victims included **Anastasié Nyiramajyambere** and her two children, **Nyirandayisaba, Gilbert Nkurunziza, Nkubito, Nyiranzage, Mwiseneza, Kantukimana**, and another woman.

On the morning of 13 November, at least 12 civilians - including young children less than two years old - were reportedly killed at a trading centre at Gasiza, Birembo *secteur*, Giciye *commune*, Gisenyi. A further nine were reportedly killed by armed opposition groups. Government-owned Radio Rwanda claimed that all the killings were carried out by "infiltrators". The victims were said to include **Rucamihigo, Mudeshi, Odette, Nyirimibibi** and his wife, **Mupanda**, an official from Kibihekane college, his wife and children, the children of the director of Rambura school and a *conseiller de secteur*. These killings followed a clash between RPA soldiers and armed opposition groups on 10 and 11 November in Gihira *secteur*, also in Giciye, in which armed groups reportedly killed more than 50 RPA soldiers.

On 13, 14 and 16 November, military helicopters reportedly fired on several areas in the *communes* of Gaseke, Giciye, Karago, Kanama and Satinsyi in Gisenyi, and the neighbouring *communes* of Ndusu and Gatonde in Ruhengeri. An unknown number of civilians are reported to have died and many houses and other properties were burned. A primary school in Birembo, Kanama *commune*, was reportedly destroyed by a military helicopter on 18 November following an ambush by an armed opposition group in which many RPA soldiers were reportedly killed. On

23 November, several houses were destroyed during a helicopter attack in Rwankenke *secteur*, Gaseke *commune*.

On 13 November, a large number of civilians - men, women and children - were reportedly killed indiscriminately by RPA soldiers who chased after them as they attempted to flee from fighting between soldiers and armed groups in Rubare *secteur*, Giciye *commune*, Gisenyi. The bodies of 197 victims were reportedly counted by local residents.

On 15 November, RPA soldiers surrounded Gikoro *secteur*, in Mukingo *commune*, Ruhengeri, to search for the perpetrators of an attack which had occurred two days earlier at Ruvunda, in Kimonyi *secteur* (see part III.3 below). After calling a meeting of local residents and gathering them inside a house, soldiers reportedly set the house on fire. Around 30 people reportedly died inside the house. Others were shot dead for refusing to attend the meeting.

On 16 November, RPA soldiers surrounded Kirehe *cellule*, in Gahanga *secteur*, Gatonde *commune*, in Ruhengeri, and shot dead a large number of local residents. More than 300 people were reportedly killed. The victims included **Twizerimana, Ndegeyingoma** and his 3-year-old daughter **Hélène, Agnès Nyirasafari, Epaphrodite Munyentwali, Jeanne Mujawamariya, Gratia Uwamahoro, Alfred Dukundane, Ephrem Karasira, Rukeribuga** and 20 members of his family, and **Thadée Munyentwali** and his four children.

On 17 November, RPA soldiers entered a Protestant church at Vunga, in Gisenyi, during prayers. They ordered the women and children to leave, then reportedly killed around 45 men in the church.

On around 17 November, Tutsi civilians in collaboration with RPA soldiers reportedly attacked civilians in Nkuli and Mukingo *communes*, in Ruhengeri. A large number of mainly Hutu civilians were reportedly killed, including at roadblocks where passengers were made to disembark from vehicles and those thought to be Hutu were killed. The victims included **Zirimwabagabo**, aged 47, his wife **Béatrice**, aged 43, and their children, **Yvonne**, aged 22 and her two-year-old child **Bienvenu, Théophile**, aged 13, **Tuyishime**, aged nine, and a 13-month-old baby. The total number of victims is not yet known. The attack followed the reported killing of between 20 and 30 mainly Tutsi civilians in Mukamira, Nkuli, on 17 November (see part III.2 below). One local source indicated that scores of people were killed during the reprisal attack by Tutsi civilians and RPA soldiers; another stated that there were so many victims that it was impossible to know how many had died. One source alleged that survivors of this attack then carried out counter-reprisal killings of Tutsi civilians in the area.

On 21 November, several hundred unarmed civilians were reportedly killed by RPA soldiers in Jenda *secteur*, Nkuli *commune*, in Ruhengeri. The victims included men, women, young children and elderly people, who had fled into the forest in search of safety. One source stated that 539 bodies had been counted but estimated that the total number of victims exceeded 1,500.

Following an attack by armed groups on 3 December on a local detention centre in Bulinga *commune*, Gitarama *préfecture* (see part III.3 below), it was reported that RPA soldiers launched a

large military operation in the area. There have been allegations that the RPA used military helicopters to fire indiscriminately on the population in Bulinga on 3 or 4 December.

On 9 December, in the evening, RPA soldiers in Rutobwe *commune*, in Gitarama, asked to be led to the house of a man named Musafiri. When they arrived there, they reportedly forced their way in and shot at all those inside, killing **Musafiri**, his wife and children, as well as the man who had shown them the house. The exact motive for these killings is not confirmed. Musafiri, who had been a *conseiller de secteur* (a local official) under the previous government of Rwanda, had been arrested in 1995, detained for several months, then released.

In the morning of 11 December, following the massacre at Mudende refugee camp of around 300 Congolese refugees by armed opposition groups (see part III.2 below), Tutsi civilians assisted by RPA soldiers reportedly carried out a massive reprisal operation in the surrounding area in Mutura *commune*, Gisenyi, indiscriminately and systematically killing unarmed Hutu civilians who happened to be in the area. The victims were attacked with various weapons including machetes, guns and sticks. According to one source, more than 800 people may have been killed in this way, including men, women, children and old people. RPA soldiers were reportedly seen taking bodies away in military trucks that same morning. Further research is being undertaken into these reports.

Thousands reportedly killed in Nyakimana cave

Between 23 and 28 October, many unarmed civilians - estimated by local sources to number between 5,000 and 8,000 - were reportedly killed by RPA soldiers in a large cave at Nyakimana, Kayove *secteur*, Kanama *commune*, in Gisenyi *préfecture*. At the time of writing, it has not yet been possible to confirm the total number of victims as access to the site by independent investigators has been denied.

Most of the victims are believed to have been people displaced by armed conflict in the *secteurs* of Bisizi, Kanama, Karambo and Kayove, in Kanama *commune*. Whole communities had fled their home areas in August 1997 in search of safety, following clashes between RPA soldiers and armed groups and the killing of several hundred people by RPA soldiers between 8 and 10 August at a marketplace at Mahoko, Kanama *commune*, and in the surrounding areas during the following days.⁵ Since that time, this displaced population - estimated to number several thousand people - had been living in the *secteurs* of Kigarama and Mukondo. In mid-October, RPA soldiers reportedly arrived at the site where the displaced people had settled and attempted to force them to return to their home areas. The displaced people tried to resist, explaining that the insecurity which had caused them to flee in August was continuing. The soldiers insisted that the displaced people should return and reportedly fired into the crowd to force them to move. An unspecified number were reportedly shot dead on the spot and others along the way. The soldiers were then reported to have carried out further killings of civilians, after herding them back to their homes in Kayove *secteur*.

⁵ For further information on the killings in and around Mahoko, see Amnesty International's report *Rwanda: Ending the Silence*, 25 September 1997 (AFR 47/32/97).

Several thousand civilians then tried to flee from the soldiers again and hid in the cave at Nyakimana. One source stated that this was the only hiding place as there were military roadblocks everywhere else to prevent people from escaping. On around 23 October, RPA soldiers reportedly then attacked the cave with grenades and other explosives, killing many of those hiding inside. They then sealed off the entrance with cement and gravel to prevent anyone from escaping.

Amnesty International has received the names of some of the victims believed to have died in the cave. In one case, around 20 members of one family, most of them women and children, are believed to have been killed, including **Cécile Nyirabalisesa**, aged 57, her daughters **Nyiramajyambere**, aged 25, and **Marie-Claire Nyirabazimenyera**, aged 29, and her three young children - the eldest of whom was only six years old -, and her son **Jean-Bosco Nshimiyimana**, aged 27, his wife and their baby, just a few months old. Other victims included three sisters, **Uwimana**, aged 27, **Dusabe**, aged 13 and **Murora**, aged 8; a woman named **Dathive**, her husband and her three children; and five children of another family, the eldest of whom was only about 12 years old. Amnesty International is continuing its research into this massacre.

Several people who managed to escape from the cave on around 23 October were reportedly arrested in Kanama *commune*, after reporting the incident to local authorities. One of them, **Pierre Claver Nzabandora**, head of a local crafts cooperative, was arrested when seeking assistance from the authorities in freeing his family, including several of his children trapped inside the cave. He and at least two other men - **Justin**, a driver, and **Hakizimana**, a craftsman - are reportedly still detained in the local detention centre at Kanama.

In early December, the army was still blocking the entrance to the cave and denying access to the site to independent investigators. On 8 December - following increasing international publicity -, military officials organized a visit to the entrance of the cave for journalists and human rights observers. However, those present were not able to ascertain what had occurred inside, as the entrance remained guarded by soldiers and blocked with rocks and stones. Several of them reported that there was a strong smell of rotting corpses around the site, that there were bullets on the ground, and that the surrounding fields were deserted.

There had been rumours that caves in this area were sometimes used as a base by armed opposition groups. When the massacre was first reported publicly by a Rwandese human rights group based in Belgium, the regional military commander denied any knowledge of the caves' existence. However, when reports of these killings persisted, military authorities stated in late November that those hiding in the caves were armed insurgents and that the entrances were being blocked in a military operation to prevent the insurgents from escaping. They claimed that the insurgents had been using the cave as a base and to store arms and food. Government authorities have denied that thousands of unarmed civilians were massacred in the cave.

Amnesty International has not been able to confirm whether the population hiding in the cave at Nyakimana included armed elements. However, as mentioned above, information received from

local witnesses indicates that those killed between 23 and 28 October included many unarmed civilians, including women and young children who had run there in search of safety.

Should the details of these killings and the number of victims advanced by local sources be confirmed, this would represent the single largest known massacre of unarmed civilians by RPA soldiers for many months - possibly even for two years. It is likely that in addition to those killed during the RPA attack on the cave, others may have starved to death in the period that followed. Amnesty International continues to appeal to the Rwandese government and military authorities to unblock the entrance to the cave as a matter of urgency and to ensure that if any people have survived the attack, they are immediately allowed to leave the cave unharmed and are given access to medical assistance. Immediate access should be granted to United Nations human rights observers and local human rights investigators to carry out in-depth investigations at the site and to interview eye-witnesses and any survivors in strict confidence and safety.

If subsequent investigations show that any of the survivors are members of armed opposition groups, they should be brought before a court of law and tried, according to international standards and without recourse to the death penalty.

III.2. Killings attributed to armed opposition groups

On 14 October, 37 civilians were reportedly killed by an armed group in Mutura *commune*, Gisenyi. The victims - most of them Tutsi who had returned to Rwanda after living in exile in the former Zaire (now Democratic Republic of Congo) for more than thirty years - had been living in a settlement for displaced people, just off a main road.

On 13 November, armed opposition groups reportedly killed at least nine civilians at Gasiza trading centre, Birembo *secteur*, Giciye *commune*, in Gisenyi. The number of victims has been cited as between 20 and 30 by some sources, but subsequently it has been reported that at least 12 of them were killed by RPA soldiers (see part III.1 above).

On 17 November, armed groups killed between 20 and 30 civilians from seven families in Mukamira, in Nkuli *commune*, Ruhengeri. Most of the victims were reportedly Tutsi who had returned to Rwanda after living in exile in the former Zaire for more than thirty years.

On 25 November, armed men forced their way into the house of André Ntezilizaza in Nyarubuye *cellule*, Karama *secteur*, Mushubati *commune*, Gitarama *préfecture*, and killed his daughter. André Ntezilizaza himself managed to escape. This attack is believed to have been carried out by an armed opposition group, several members of whom had been killed by RPA soldiers a few weeks earlier, after André Ntezilizaza had reported their presence to the local authorities.

On around 27 November, eight people were reportedly killed with machetes, sticks and guns by armed groups near Mudende refugee camp, in Mutura *commune*, in Gisenyi. Armed civilians, thought to include refugees from Mudende, then reportedly killed a further 18 people in the surrounding area in a reprisal attack. Mudende camp, which houses several thousand refugees

from the DRC, had been the scene of an earlier attack on 22 August 1997, in which armed opposition groups had killed at least 130 mainly Tutsi Congolese refugees.⁶

In the early hours of 11 December, armed opposition groups attacked Mudende refugee camp once again, this time killing around 300 Congolese refugees - and possibly more -, in circumstances similar to those of the 22 August attack.⁷ The victims, who appear to have been targeted indiscriminately as they slept, included many women, young children and babies. More than 200 refugees were reportedly wounded and hospitalized. Most of the injuries were reportedly caused by machetes; some of the victims also bore gunshot wounds. Following the first attack on the camp on 22 August, the RPA had sent reinforcements to protect the refugees, but it appears that the soldiers were unable to fend off the assailants on 11 December.

It is not clear why the authorities did not move the refugees to a safer area after the first attack on 22 August. The camp at Mudende is situated only a few kilometres from the border with the DRC, and in a part of Gisenyi which has been the scene of brutal insurgency and counter-insurgency operations. Despite repeated appeals by the United Nations High Commissioner for Refugees (UNHCR), and despite the obvious vulnerability of the refugee population at Mudende, the Rwandese authorities failed to move the refugees to an area where they could be afforded greater protection. While the total number killed at Mudende on 12 December is still not confirmed, this incident appears to constitute the single largest known massacre of unarmed civilians attributable to armed opposition groups in Rwanda for more than two years. Within hours on the same morning, massive reprisal killings of Hutu civilians were reportedly carried out by Tutsi civilians and RPA soldiers (see part III.1 above).

III.3. Killings by unidentified individuals or groups

In the cases mentioned below, it has not yet been possible to confirm the identity of those responsible for the killings of unarmed civilians. In some cases, there are indications that either RPA soldiers or members of armed opposition groups may have been responsible but their respective roles have not yet been clearly established. In other cases, there have been conflicting claims about the identity of the perpetrators.

On 13 October, several peasants were killed in their homes in Bwisha *secteur*, Nyarutovu *commune*, in Ruhengeri. The victims included **Gervais Mvunabandi**, aged 72, his wife **Rose Nyampinga**, aged 69, and their daughter **Bernadette Kabagema**, aged 36.

On 5 November, unidentified armed men were reported to have entered Vunga market - a large commercial centre in Gisenyi - and looted stalls and slaughtered cattle to sell the meat. They then reportedly set up a roadblock on the nearby crossroads and stopped those passing through. According to one version, those who were from Gitarama were reportedly not allowed to go

⁶ See Amnesty International's report "Rwanda: Ending the Silence", 25 September 1997 (AFR 42/37/97).

⁷ At the time of writing, the total number of victims has not been confirmed.

through but were led away towards a nearby river and killed. There is no clear explanation as to the reason for targeting those originating from Gitarama. Radio Rwanda reported that 24 people had been killed by “infiltrators” on that date. Further killings of unarmed civilians are reported to have taken place at Vunga on 26 November; the number of people killed on that occasion is still not known as the area was reportedly sealed off by soldiers.

On 13 November, five vehicles - one public transport taxi, two vans and one private car - were ambushed and set on fire at Ruvunda, in Kimonyi *secteur*, along the road from Ruhengeri to Gisenyi. The total number of victims is not known. Some witnesses reported that the perpetrators were dressed in military uniforms similar to those worn by RPA soldiers, but there is no confirmation as to their identity.⁸ Several passengers who had been made to get out of their vehicles were reportedly shot at as they tried to run away; at least three are believed to have died and at least four were injured. Others were taken away by the perpetrators to an unknown destination.

In the night of 14 November, the director of a secondary school (Institut Député Segatwa Ruhanga) and four schoolteachers were killed by unknown assailants in Kibilira *commune*, Gisenyi.

During several days of intense fighting between RPA soldiers and armed opposition groups in and around Giciye *commune* between 16 and 21 November, hundreds of people, including many civilians, are reported to have been killed. According to official statements, a group of insurgents numbering around 1,200 attacked a local detention centre (*cachot*) on 17 November; 88 detainees were killed in cross-fire between RPA soldiers and insurgents and around 90 detainees escaped, leaving the detention centre empty. The authorities stated that 200 militiamen and two RPA soldiers were also killed.

It is not clear who was responsible for the killings of the detainees at Giciye detention centre. However, Amnesty International and other organizations documented several other cases during 1996 and 1997 when detainees were extrajudicially executed by RPA soldiers in similar circumstances, following reported attacks on the detention centres by armed groups.⁹ According to one source, during the clashes on 17 November, around 80 detainees were led away by RPA soldiers, forced into a building and shot dead inside the building. According to another source, RPA soldiers reportedly attacked another nearby detention centre on the same day, killing around 12 detainees there.

⁸ It is often difficult to establish the identity of the perpetrators in such cases. They are usually described by witnesses as “men in military uniform”. However, it is widely believed in Rwanda that RPA soldiers and members of armed opposition groups often imitate attacks by each other to disguise their identity.

⁹ For details, see Amnesty International reports *Rwanda: Ending the Silence*, 25 September 1997 (AFR 47/32/97) and *Rwanda: Alarming Resurgence of Killings*, 12 August 1996 (AFR 47/13/96).

On 24 November, the bodies of six people, including a priest, were found in a forest in Nyarutende *secteur*, Mutura *commune*, Gisenyi. It is not known who carried out the killings, but the victims had reportedly been interrogated by soldiers in the previous days.

During the night of 1 December, 18 people were reportedly killed in their homes in Nyundo *secteur*, Kanama *commune*, in Gisenyi. The victims were attacked with guns, sticks and clubs.

On 2 December, a local detention centre at Rwerere, in Gisenyi, was reportedly attacked by armed groups, and around 100 detainees released. An unknown number of civilians were reportedly killed, including a local government employee.

On 3 December, an unknown number of people were killed during and following an attack by armed groups in Bulinga *commune*, Gitarama *préfecture*, in which more than 500 detainees were reportedly freed from a local detention centre. Several buildings in the *commune* were set on fire. At least 10 civilians were killed: **Angélique Mukamana, Marceline Nyirandikubwimana, Marc Ndikubwimana, Judith Mukahigiro, Bernadette Mukangarambe, Janvière Muhimakazi, Dancilla Uwamahoro, Vestine, Grâce and Emerita Mukashyaka**. Three soldiers, two policemen and four members of armed groups were also reportedly killed. On 9 December more than half the detainees who had been freed subsequently returned to Bulinga and handed themselves in to the authorities.

IV. Further information on killings before October 1997

Amnesty International has continued to receive details of cases of killings of unarmed civilians which occurred between January and September 1997, including further information on some of the cases mentioned in the Amnesty International report *Rwanda: Ending the Silence*, published on 25 September 1997. In particular, the organization has received more details on the following two massacres: the extrajudicial execution of between 150 and 280 unarmed civilians in Kigombe, Nyakinama and Mukingo *communes* in Ruhengeri on 2 and 3 March 1997, and the extrajudicial execution of hundreds of people in and around the marketplace of Mahoko, in Kanama *commune*, Gisenyi, between 8 and 10 August 1997.

According to some sources, the total number of people killed during the military search operations in Ruhengeri on 2 and 3 March was higher than originally estimated. Local residents have estimated that between 400 and 500 people were killed in Kigombe *commune* alone, on 2 March. The victims included **Marcel Munderere, Mubewa**, and two brothers, **Léon** and **Nambaje**. One man was led away by soldiers to a nearby banana plantation where they reportedly interrogated him, staged a mock execution, then released him. He was subsequently reported to have been re-arrested in Kigali.

Amnesty International has also received further names of civilians killed by RPA soldiers during military operations around Mahoko market, in Kanama, on 8 and 9 August. The victims included several market traders: **Nahimana**, his younger brother **Gisaza**, their brother-in-law **Harelimana, Etienne, Ayigihugu** and **Rucagu**. **Emmanuel Burasanzwe**, who had “disappeared” on 10

August after being led away by RPA soldiers, had still not been found by late November. Inquiries in all the local detention centres proved fruitless; he is feared dead.

Further killings of civilians have been reported from Kanama *commune*. For example, in late August, **Nyirabigoli**, a woman in her 50s, was reportedly killed by RPA soldiers with bayonets and other weapons in her home in Kayove *secteur*. Relatives found her dead body lying near the house. She was killed following armed clashes in the nearby *secteur* of Bisizi. Many residents of Kayove fled to escape the violence, fearing that it would spread to their area. Nyirabigoli had stayed at home alone. When the soldiers arrived in the area where she lived, they reportedly asked her why she had not fled like the others before killing her.

Also in late August, reprisal attacks were carried out in Mutura *commune* following the massacre of more than 130 Congolese refugees in Mudende refugee camp on 22 August. An unknown number of people were killed during the reprisals by armed Tutsi civilians; some sources have alleged that RPA soldiers also took part in the killings. The victims included a young woman, **Nyirantabire**, her husband and several children who died when their house was set on fire.

V. Judicial action against RPA soldiers accused of human rights violations

On 12 September, a military court in Kigali sentenced four RPA officers to 28 months' imprisonment for their role in the killing of over 110 unarmed civilians at Kanama *commune*, in Gisenyi, on 12 September 1995.¹⁰ The defendants were found not guilty of the original charge of murder and complicity to murder, but were convicted for failing to assist persons in danger.

On 31 October, eight RPA soldiers held responsible for the killing of their commander were brought to trial in a military court in Gitarama. **Théoneste Hategekimana**, an ex-FAR captain who had been integrated in the RPA since 1995, was serving as commander of the gendarmerie in the Gitarama-Kibuye area. He was killed by RPA soldiers on the evening of 24 October at Rugeramigozi, as he was leaving his office at the Gitarama-Kibuye gendarmerie. He had reportedly received death threats earlier in the year and had been physically attacked on at least one previous occasion in 1997. The military prosecutor requested the death penalty for the defendants. On 20 November, four of them were sentenced to life imprisonment for the assassination of Théoneste Hategekimana. The four others - all more senior RPA officers - were acquitted; they included a second lieutenant who, according to the prosecution, had issued a personal death threat to the victim. This trial took place within an usually short time after the event in question - just one week after the killing of Théoneste Hategekimana.

On 1 December, six RPA officers were tried in a military court in Kigali for their role in the killings in Kigombe in Ruhengeri *préfecture*, on 2-3 March 1997, in which several hundred people are estimated to have been killed during a military operation (see part IV above). Major Claver Rugambwa, who was in charge of the military operation, was sentenced to 44 months'

¹⁰ For details of the killings in Kanama on 12 September 1995, see the Amnesty International report *Rwanda and Burundi - the return home: rumours and realities*, February 1996 (AFR 02/01/96).

imprisonment for having failed to prevent the massacre. Five others - one lieutenant, three second lieutenants and one sergeant - were each sentenced to five years' imprisonment for use of excessive force.

V. Recommendations

The Amnesty International report published in September 1997, *Rwanda: Ending the Silence*, included a set of recommendations to prevent further killings of unarmed civilians and other grave human rights abuses. These recommendations were addressed to the Rwandese Government, leaders of armed opposition groups, and foreign governments and intergovernmental organizations. All these recommendations - summarized below - remain valid and urgent. Amnesty International is appealing again to all those concerned to implement them without delay.

In particular, Amnesty International reminds the Rwandese Government and leaders of armed opposition groups operating in Rwanda that the deliberate killing of unarmed civilians taking no direct part in armed conflict represents a grave violation of basic principles of international humanitarian law, as laid out in Common Article 3 of the 1949 Geneva Conventions. Government and military authorities, as well as leaders of armed opposition groups, should make every effort to ensure that indiscriminate killings are not allowed under any circumstances. The gravity and brutality of killings by one side can never justify reprisals against civilians by the other side. Law enforcement which conforms to basic international standards requires that unarmed civilians, including those displaced by insecurity, are protected from deliberate and arbitrary killings.

In addition, the Rwandese Government should ensure unrestricted and safe access to the sites of reported killings to independent human rights investigators - including members of Rwandese human rights organizations, local and foreign journalists, and members of the United Nations Human Rights Field Operation for Rwanda. The delay, or in some cases the refusal, in granting observers or investigators immediate access to the sites of alleged human rights abuses has not only resulted in an absence of independent investigation into reported unlawful killings, but could also have allowed the perpetrators time to destroy or dispose of the evidence of the atrocities which they have committed.

Amnesty International welcomes the fact that in recent weeks, several RPA soldiers accused of human rights violations have been brought to trial and encourages the Rwandese authorities to pursue this course of action. In order for such measures to be effective in the longer-term, the authorities must ensure that such action is taken with regard to **all** cases in which members of the security forces are alleged to have ordered or participated in human rights violations - not just in isolated cases.

If found guilty, the defendants' sentences should be in proportion with the gravity of the crimes committed. If the RPA officers brought to trial cannot be held directly responsible for ordering or committing extrajudicial executions of civilians, further efforts should be made by government and military authorities to identify and bring to justice those individuals who were directly responsible. Amnesty International reminds the Rwandese Government of its unconditional

opposition to the death penalty as a state-sanctioned violation of the right to life and therefore appeals to the Rwandese authorities not to impose or implement the death penalty.

Foreign governments - especially those with close relations to Rwanda - should also assume their responsibility to publicly condemn the grave human rights abuses committed by the security forces and the armed opposition in Rwanda and ensure the implementation of measures which will restore respect for human rights. Sadly, to date, little or no effective action has been taken by foreign governments who are close to the Rwandese Government and who might therefore be in a position to exert a positive influence. The continuing human rights crisis in Rwanda is in part the consequence of their prolonged inaction and refusal to recognize the gravity of the human rights situation.

The full set of Amnesty International's recommendations is contained in the earlier report but measures aimed at preventing further killings of civilians are summarized below.

To the Rwandese Government:

- prohibit extrajudicial executions and indiscriminate killings by members of the Rwandese security forces;
- publicly and officially condemn all unlawful killings, at the highest level, whatever the identity of the perpetrators or the victims;
- ensure strict control over the chain of command in the RPA and instruct commanders at all levels to restrict the use of lethal force to situations where it is strictly unavoidable in order to protect life and then only to the minimum extent required under the circumstances. In no circumstances should unarmed civilians or combatants who are *hors de combat* be targeted.
- remind members of the security forces at all levels that it is their duty to protect the civilian population of Rwanda in its entirety, regardless of ethnic, political or other affiliation;
- establish effective training programs to ensure that the Rwandese security forces respect human rights;
- carry out thorough and independent investigations into all reports of unlawful killings and ensure that individuals found responsible for ordering or carrying out such killings are immediately suspended from their duties and brought to justice.

To leaders of armed opposition groups operating in Rwanda:

- stop killing unarmed civilians - regardless of their ethnic, political or other affiliation - and make clear to those under their command that deliberate and arbitrary killings of unarmed civilians or combatants who are *hors de combat* will not be tolerated; take

effective measures to prevent the killing of non-combatants and those taking no direct part in the conflict;

- investigate and denounce deliberate and arbitrary killings committed by those under their command and provide public information about steps taken to prevent further such killings.

To foreign governments and inter-governmental organizations:

- publicly condemn the widespread killings of unarmed civilians taking place in Rwanda;
- instruct officials and other government spokespersons not to deny or appear to excuse killings of civilians and other human rights abuses occurring in Rwanda, whether committed by the Rwandese security forces or by armed opposition groups;
- exert whatever influence they can over the Rwandese Government, security forces and leaders of armed opposition groups to respect international human rights and humanitarian law and to protect unarmed civilians;
- refrain from supplying light weapons and other types of military, security or police equipment to parties to the armed conflict Rwanda which are likely to contribute directly to further human rights abuses by the Rwandese security forces or by other armed groups;
- abide by the principle of *non-refoulement* at all times and ensure that no refugee is forcibly returned to Rwanda if s/he may face serious human rights violations there. In the light of overwhelming evidence that it is not safe for refugees to return to Rwanda, repatriation should not be promoted in the present circumstances.