Reintegration and Human Rights in Post-Genocide Rwanda

by Mark Frohardt

November 1997*

* Note: This USCR report is based on transcripts of a public briefing conducted at the U.S. Committee for Refugees on June 19, 1997 by Mark Frohardt, former Deputy Chief of Mission of the UN Human Rights Field Operation in Rwanda. The transcript has been edited and slightly updated for clarity.
Violence in Rwanda has escalated. An insurgency by the former government's military and militia (ex-FAR and Interahamwe) has intensified in the country's northwest. The current Rwandan government and its military, the Rwandan Patriotic Army (RPA), have responded aggressively to the threat. Many observers inside and outside the country fear that the situation is moving tragically in the wrong direction; others continue to express a measure of optimism that security will improve.

The UN Human Rights Field Operation in Rwanda (UNHRFOR) has reported that some 3,000 persons were killed during the four months of May through August, many of them alleged to be ethnic Hutu noncombatants killed during RPA cordon-and-search operations. Rwandan government officials deny the charge and insist that most of those killed by the RPA were rebel combatants. In August, more than 131 ethnic Tutsi Congolese refugees were massacred in western Rwanda when insurgents attacked their refugee camp, introducing another round of retaliatory violence. Insurgents killed more than 50 persons in two attacks in early October.

The international community appears to hold increasingly divergent views about Rwanda's government and its goals. Some observers regard the Rwandan government as a collection of serious-minded leaders whose pursuit of justice, ethnic pluralism, and political reforms have been subverted by a serious security threat posed by the insurgency terrorism mounted by ex-FAR and Interahamwe. Other international observers regard the Rwandan government and its ultimate motives with deep suspicion, characterizing it as a government intent on minority Tutsi political and military control at home and Tutsi hegemony throughout Central Africa.

Observers on all sides, however, express a strong sense of unease over the recent course of events in Rwanda. The purpose of this report is to review how events in Rwanda reached this point.

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The goal of Mr. Frohardt's original briefing—and of this report—is to provide a sweeping look at the past two-and-a-half years in Rwanda. We asked Mr. Frohardt to discuss what has changed inside the country. What trends have occurred during the past couple of years? What do they portend for the future? What is different now that more than 1.3 million refugees have recently returned? How has the security situation changed over time? How has the human rights situation evolved? How has the response of the Rwandan government and the RPA changed over time? What do outsiders need to know in order to better understand the dynamics in Rwanda?

What follows is an attempt by a key human rights official to answer these questions.

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About Mark Frohardt

Mr. Frohardt lived and worked in Rwanda from November 1994 until May 1997. He originally went to Rwanda as an Intertect consultant to the UN Department of Humanitarian Affairs, posted with the UN Rwanda Emergency Office in Kigali. In April 1995, he was asked by the UN High Commissioner for Human Rights to join the UN Human Rights Field Operation in Rwanda (UNHRFOR), which was struggling to operate effectively at the time. Mr. Frohardt set up UNHRFOR's Field Coordination Unit and served as Chief of the Unit until he took the position of Deputy Chief of Mission of UNHRFOR in mid-1996.

Mr. Frohardt has vast experience in the field of international emergency response. He worked in the Cambodian refugee camps in Thailand in 1980. He worked with Medecins Sans Frontieres/Belgium in Brussels and Chad. He worked with UNHCR in Sudan and Somalia. Mr. Frohardt was a consultant for Intertect—the agency founded by the late Fred Cuny. In late 1993, Mr. Frohardt established the Washington office of the Center for the Study of Societies in Crisis, a position he held in the spring of 1994 when the genocide occurred in Rwanda.

Mark Frohardt: Good morning. When I first arrived back in the U.S. in May, I was not surprised to hear what the general perceptions were of Rwanda—many of which I felt were not comprehensive in terms of understanding what was actually going on in Rwanda, and in particular lacking important historical context. For that reason, I initially thought that it would be a good idea to give this briefing.

But there is another reason. I have never worked in a post-conflict society in which recent events, recent history, had such an unrelenting influence on the current situation. Nor have I ever worked in a country where humanitarian and development organizations were so resistant to incorporating the cause and consequence of these events into their analysis of the current situation. In this regard, Rwanda was truly exceptional.

The killings that took place in Rwanda in the spring of 1994 were among the most horrendous any of us had seen or heard of in recent history. They were significant enough that the international community was forced to recognize that genocide had taken place, the first time that this has happened since the genocide conventions were drafted in 1948. But within six months of the end of the genocide, relief workers in Rwanda meeting to discuss operations were often heard making statements such as, “Yes the genocide happened, but it’s time to get over it and move on,” or, “Enough has been said about the genocide, let’s get on with rebuilding the country.”

There were several agencies involved that were more sympathetic or more understanding, and did have projects that took into consideration, or tried to address specific aspects or consequences of the genocide. This was important. But as a Rwandan friend of mine once pointed out, in Rwanda, you cannot—then, now, or in the foreseeable future—address problems of rehabilitation or reconstruction, and then address problems of genocide. Everything you do in Rwanda has to be done in the context of the genocide. It affects all aspects of life.

This must be understood, because if any solution is to be found for the growing conflict in the Great Lakes, or in Rwanda, it cannot be found outside of the context of the Rwandan genocide. And that is the basis of this morning’s briefing.

To give you a comprehensive understanding of reintegration and human rights in Rwanda during the last two and a half years would take at least a two-semester university course. So I will focus on the information that I think has not been reaching you.

Everyone knows of the overflowing detention centers, and of the terrible conditions in the country’s prisons. Everyone knows the problems of the genocide trials, both the national as well as those of the international tribunal. But I will talk about events that have not been recognized, or provide details often missing from accounts of better known incidents.

I will divide this briefing on Rwanda into
five periods of my own making, and will discuss security issues, as well as reintegration and human rights during each period.

Probably a lot of things I will say will conflict with what other people perceive, what they have read, and possibly conflict even with people who have visited the region recently. I'm not here to argue any points. I'm not here to set an opposing view. I'm here to share my experience and my understanding of the situation, to try and help all of us come to some understanding of the tragedy that is currently unfolding in the Great Lakes region in order to provide more appropriate assistance where it is most needed.

To date, it seems that the major accomplishments of the international community in the Great Lakes are an incredible lack of understanding of the region's importance, poor analysis of current events, and an inability to intervene effectively, or to even provide assistance in some cases.

We are seeing the consequences of this now.

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I. Security Period #1
(November 1994 - July 1995):
Internally Displaced Persons

I arrived in Rwanda in mid-November 1994. It was during this time that dismantling the camps of internally displaced people had become a high priority for the government and many relief agencies. Several camps for internally displaced persons had been set up in southwest Rwanda in the Zone Turquoise, established by the French military during the war.

To the astonishment of many, when the French pulled out at the end of the war, the RPA did not shut down camps, did not conduct massive screening for suspected former military or militia, or carry out mass arrests. They allowed the camps to remain, and the people in them to continue to receive assistance. This was done even though many of the camps were heavily influenced, if not controlled, by Interahamwe (former militia) and former government forces. Few debated the fact that the camps posed a threat to Rwanda's national security.

For several months following the war, infiltration into Rwanda from refugee camps in eastern Zaire was sporadic. It was mostly focused on economic targets. Electrical pylons were blown up on occasion. But what little insurgency that existed was not very well organized. The infiltrators were most often either apprehended or killed, and very seldom were there RPA casualties.

The main concern about insecurity at that time was focused on the camps for internally displaced persons. There was not only the issue of whether insurgency was being organized within the camps, but there were also many problems related to criminality. Both inside and around the camps, common theft and murder occurred with greater frequency than in other areas of the country. Many of us forget this when discussing the disaster at Kibeho.

When most people think about the period of internal displacement, they think primarily about how it ended with the disastrous closing of Kibeho camp, in which hundreds, possibly thousands, of people died during an RPA operation in April 1995. What they don't remember is that in December 1994, Kibeho had already been identified as a very problematic camp, even though it had a smaller and less extremist population at the time. UNAMIR (the UN peacekeeping force) had military observers all over the country, visiting all prefectures and communes in Rwanda, reporting on incidents such as murders and human rights violations. In analyzing their field reports, they determined that a disproportionately high percentage of the murders that were taking place in Rwanda, in late November and early December, had occurred within a 20 km radius of Kibeho.

For that reason, the RPA and UNAMIR mounted a joint operation to remove weapons and suspected criminals from two camps—I think it was...
the only major military operation that was carried out jointly. Early one morning, they surrounded Kibeho and one other camp. While the RPA held a distant perimeter, armed teams of UNAMIR soldiers went into the camps with an RPA liaison officer, identified criminal elements, arresting approximately 50 men, and confiscated several weapons and arms.

Although several of the criminal elements or militia left the camp the night before the operation—tipped off by the deployment of troops around Kibeho—the result of the operation was still positive, and criminal activity in and around Kibeho decreased for weeks. Departures of residents from the camp increased because the militia’s hold on the population had been somewhat alleviated. Again, it is very important to remember that even before April 1995, UNAMIR, UN agencies, and NGOs involved in relief operations in the displaced persons camps had identified Kibeho as the most problematic camp because of the high level of militia and former military.

UNAMIR had established operations to empty the displaced persons camps by providing transportation to home communes, but these were only marginally successful. In addition to concerns about security in their home communes, food distribution and other services provided by relief organizations worked against efforts to encourage people to leave the camps. By early December 1994, the RPA made it clear that the camps had to be closed by the end of the year, less than a month away. This was of no surprise to those who understood the threat the camps posed to national security.

The RPA started to close some of the smaller camps, forcibly when necessary. When I say “forcibly,” I do not mean “brutally.” Soldiers would go into a camp and announce that the camp would be closed; if people did not leave, the soldiers would burn a couple of huts. Nobody was in the huts when they burned them. That made the point, and people started to leave. Within a few days, a camp would be empty. People were not beaten on the way out; it was just made very clear that the camps had to close.

The RPA camp closures lit a fire, so to speak, under the international organizations providing assistance to the camps. They soon agreed to a plan developed by UNAMIR and UNREO (the UN’s humanitarian coordination arm in Rwanda) to empty out the camps themselves. The UN convinced the RPA that aid agencies could do it. That was when Operation Retour started; it emptied out most of what were called the Northern Camps, which were north of the principal east-west road through Gikongoro Prefecture. Eventually, more than 100,000 people returned home during this operation.

At this point, early 1995, those who could not go home—people who had been involved in the genocide or those who were closely associated with the genocidaires—moved to the southern camps. One of the consequences of this was that the percentage of “hard core elements,” as we referred to militia and former military, in the southern camps rose dramatically through the end of February 1995. This meant that there was a significantly larger number of people in the southern camps who could not or would not return to their communes because of their involvement in the genocide, and consequently had an important stake in making sure that the camps remained full, to ensure that assistance continued and that there was a larger population to provide them cover from the RPA.

Operation Retour came to a standstill. The hard core elements in the remaining camps, in particular Kibeho, were successful in persuading people to stay in the camps—even many of those who wanted to return to their home communes. With no movement out of the camps, it became necessary to change the operations plan—actually to implement a radically new plan. The organizations that had been involved in the implementation of the operation to close the camps insisted on having considerable input into the new plan. While their involvement was refreshing, the plethora of options seriously inhibited the completion of a new operations plan. Weeks passed while different options were discussed and debated, and the situation in Kibeho became increasingly dangerous and intractable.

Although there had been announcements by the Minister of Interior and the Minister of Rehabilitation and Social Reintegration, stating that the camps would not be forcibly closed, it soon became quite clear that Kibeho was going to be closed. However, military commanders on the ground in Gikongoro—the prefecture where Kibeho
was located—and administrative officials, such as the prefect, had always made it clear, and made it very clear right up to the end, that the camp would be forcibly closed if the organizations could not get anyone moving out of the camp.

Eventually, the RPA returned to its own program of forcibly closing the camps, which had been in place before Operation Retour. But by this time, the situation in Kibeho had changed dramatically. The hold of the militia on the camp population, and the fear they generated with stories of atrocities committed against those who had returned to their communes, was greater than ever. It was clear to many of those working in the camps that the militia in the camps were not going to allow anyone to leave peacefully.

I have no intention of trying to justify the manner in which Kibeho was closed. But I do believe that it is important to understand that the inability of the relief organizations on the ground to coordinate a successful operation set the stage for the tragedy that followed. Once the army saw that the efforts of relief agencies to move people out of the camps were ineffective, they knew that they were the only institution, or force, in the country capable of closing the camps.

The RPA operation to close Kibeho was poorly planned. It completely underestimated the influence of fear and manipulation on the camp population and the ability of RPA soldiers, just out of combat, to deal with a heavily infiltrated, but largely civilian population. The operation ran amuck and many people died.

When you examine reintegration and human rights issues in Rwanda at that time, in early 1995, one of the main problems people were experiencing in the communes was illegal arrest and detention. The way that this problem was dealt with by organizations on the ground, particularly the UN human rights field operation, generated one of the worst communications breakdowns between the government of Rwanda and the UN.

The government had no gendarmes, no communal police, no IPJs (judicial inspectors), who have a mandate to carry out an arrest. There were none of these officials in communes. People who were identified as genocidaires by the local population were often arrested for their own safety by the RPA.

The government did not have the properly mandated officials to make arrests according to legal procedures; it was consequently criticized for using the only security force it had to maintain order in a country just coming out of a genocide that had been carried out largely by the civilian population.

This is an example of what I was talking about earlier when I mentioned the refusal or inability of some of those working in Rwanda to acknowledge the importance of context when dealing with the problems of providing assistance in a post-conflict situation.

Rwanda was very different from other emergencies most relief agencies had dealt with before. The problems with the return of displaced persons and refugees in Rwanda had to do with security or perceptions of security, and establishing the rule of law. The principal problems were not those of food, water, transportation, or medical supplies. Unfortu-
Anyone who is involved in refugee work knows that when an uprooted population moves home, the internally displaced people move first, and refugees often follow. If we had been able to put a program into place that completed the relatively peaceful emptying of the camps of the internally displaced, it would have most definitely had a significant impact on encouraging a similar flow of returning refugees.

And the principal reason that we failed to empty the camps and that the RPA operation turned into a disaster was that neither had adequately dealt with the problem of what to do with those who could not go home because of complicity in the genocide.

This is the problem that we have seen all the way down the line, in both the refugee camps and those for the internally displaced: the inability to separate out those who were involved in the genocide, those who are guilty of crimes against humanity, from those who are innocent and who were not involved.

This inability or unwillingness to separate at least the militia and former army from the civilian population has led to a continued series of disasters throughout the past three-and-a-half years.

II. Security Period #2
Sporadic Return/Re-Organization

Between Kibeho in April 1995 and August of that year, there was virtually no movement of refugees back into Rwanda.

Then in August, approximately 16,000 people crossed the border from Goma into Rwanda in a matter of days. This was a result of the Zairian government forcibly closing down certain sections of one camp.

When these 16,000 new case load refugees returned to Rwanda, the Rwandan government separated the ex-FAR from noncombatants; they also kept UNHRFOR Field Officers informed of the locations and transfers of those detained. The government also established mechanisms to coordinate their own response to the influx that were much more effective than those in place before.

It is important here to remember that at several times during all repatriation or return efforts the government was very involved in putting together information campaigns. In my two-and-a-half years in Rwanda, I witnessed several of these campaigns. The campaigns included ministers, deputy ministers, and other officials—sometimes the president or the vice president—who would visit the communes, to talk to people, to tell them what was happening.

For example, they would explain that there was going to be a return, and that the returnees had to be received back into their communes, that they shouldn’t be harassed, and that local officials needed to be better prepared and organized to receive them.

In the late spring of 1995, there was an increase in the armed infiltration into Rwanda's western prefectures from the camps in eastern Zaire. One of the reports we received was that many Hutu families in Cyangugu were increasingly concerned that the RPA was not going to protect them adequately.

This sentiment among Hutu households is significant. As members of the former government and its militia fled Rwanda at the end of the war, they told those who remained behind that they and their entire families would be killed by the advancing RPA. Many Hutu remained at home, however, and when the RPA arrived, it established order. It is unlikely that after stopping the genocide there were no problems such as sporadic retribution by soldiers. But for the most part, the RPA established order, to the relief of those who had been told they would be slaughtered by the conquering army. Because of this, people soon began to believe that the new government was not the “evil force” that former government officials or Interahamwe said it would be.

But after a period of time, the infiltration by armed elements of the old regime stayed in refugee camps just across the border in Zaire started up. The infiltrators came into Rwanda across narrow stretches of Lake Kivu at night. They forced farmers to hide them for the night while they conducted sabotage or insurgency activities. When the RPA investigated the incidents, they would often find evidence of support coming from the local community and detain suspects.

This was the beginning of a cycle seen in many countries—where a military trying to address security concerns has a very difficult time with a population that might be sympathetic to insurgents.

That is where the tension in the western prefectures began. It wasn’t long before UNAMIR officers estimated that there were safe houses provided to insurgents by local villagers, and that a few were also being established deeper inside Rwanda. As a result, the infiltration was no longer limited to night-time, cross-border attacks. Now they were
able to sustain themselves for days at a time within the country.

By the late summer and the early fall of 1995, the RPA had developed an effective counter-insurgency strategy to deal with the attacks on economic targets. The infiltrators in turn developed a new strategy—the deployment of anti-tank and anti-personnel landmines. Some landmines were laid in Gikongoro prefecture, but most of the mines were laid in Cyangugu, Kibuye, and Gisenyi. It should be of no surprise that these western prefectures were the most affected by mines: infiltrators lived in camps only a few kilometers across the border in Zaire. The majority of victims, as usual, were civilians. Eventually, the RPA organized civil patrols that were able to discover mines before civilian buses or other vehicles set them off.

In the fall of 1995, the RPA had new counter-insurgency measures in place and had established calm in many of these areas. They had also captured Ile Iwawa, the small island in Lake Kivu that is in Rwandan territory but was still held by the former military. The island was used by the ex-FAR and Interahamwe as a base for training young men from refugee camps in Zaire, and mounting attacks into Rwanda.

The insurgency suffered a major set back when the RPA captured Iwawa. The elimination of the Ile Iwawa base, combined with the establishment of civilian patrols to take care of the landmines, made the RPA feel that they had the insurgency under control.

At this point in late 1995, the RPA took everyone by surprise by initiating discussions on demobilization. Before any international organizations had started making such recommendations, the RPA was talking about how they wanted to begin to demobilize certain elements of the army.

In my view, this points to some very progressive thinking for a military that has just gained control of their territory. This also illustrated the influence of their years in Uganda. In discussions I had at this time with military commanders, they were fond of pointing out potential problems based on what they had learned from their experience in Uganda. An RPA major told me once that, "We [the Rwandan government] have to be very careful not to put too many of our demobilized soldiers into the police, because you know Museveni is having a little bit of a problem right now because he's got too many in the police."

It is unfortunate that this kind of progressive thinking about demobilization by the RPA was cut short by a new type of insurgency.

III. Security Period #3
(March - June 1996):
Increased Insurgency and Targeted Killings

During the next period beginning around March 1996, the ex-FAR and militia based in the camps in Zaire—and some of them in Burundi—changed their tactics once again. This tactical change was extremely significant.

Their new strategy was to target local civilian authorities and genocide survivors. In military terminology, these are referred to as "soft targets." The victims were people who had no protection, lived in isolated areas, and were consequently easy targets. It was a very effective tactic in many ways.

The targets were many: bourgmestres or conseillers de secteur—government officials responsible for a second- or third-level administrative unit; anyone who had been organizing civil patrols; or anyone who was trying to organize people to inform the government about who was helping insurgents or when attacks might take place. Those who had survived the genocide were often killed with their entire families. It was the same for government officials, whose family members also suffered attacks. There were cases of mutilation. There were at least two cases in which heads were removed and possibly taken back to camps in Zaire. The killings were exceptionally brutal, and reminiscent of the types of killings that had taken place during the genocide.

Even during this period, until June 1996, as the number of killings of both government officials and genocide survivors increased, the RPA military operations that were mounted to address these attacks resulted in relatively small numbers of civilian casualties.

This was the case even in Ruhengeri, where there were a significant number of attacks by insurgents. The RPA conducted several cordon and
search operations in this area in which they rounded up 2,000 to 4,000 men, in search of those who were responsible for a recent attack against civilians. The men would be held at a communal office, questioned for a couple of days, and in many cases all of them would be released. Although men were detained during some of these operations, the numbers were not high.

We at UNHRFOR received no reports of torture or of killings by RPA during these operations.

Three incidents toward the end of June 1996 significantly changed the perceptions of many people in Rwanda. Three major attacks took place. The first was in Kibuye, carried out by ex-FAR and militia who came across Lake Kivu from camps in Zaire by boat. They attacked a group of three houses where genocide survivors were living with relatives. They killed approximately eleven people and fled.

Shortly after that, in Rushashi Commune (northwest of Kigali), an entire family of nine was killed in one night. The family had been known to identify people who were involved in the genocide.

Soon after that, at the end of June, a major attack took place in Satinsyi, just outside of Gishwati Forest, in the northwest. It was believed by this time that the infiltration had increased dramatically, and that the infiltrators were using Gishwati Forest as a base. Infiltrators were also coming through the Parc des Volcans (Volcano Park) in the north, and were following a river valley to continue to infiltrate as far down as Byumba in north-central Rwanda.

This particular area of the northwest, in western Ruhengeri Prefecture, was one of the strongest support bases for the former government. Before the war, residents of Karago Commune boasted that every family in Karago had at least one son in the military. This area was seeing increased problems caused by insurgents and sympathizers, or people who were supporting these operations.

During the attack that took place in Satinsyi, just south of Karago, at the end of June 1996, 28 people were killed. All of them were either genocide survivors or old caseload refugees who had returned to Rwanda. One RPA soldier who was visiting his family was also killed.

Most significant about this attack is the high number of genocide survivors killed in the first of the two sectors attacked. There were 19 genocide survivors living in the first sector. There were 16 casualties in that sector—13 people killed and three people wounded. That included 16 of the 19 genocide survivors in that sector. In other words, all of the people who had been hit had been genocide survivors, and a majority of the survivors in that sector had been hit. The infiltrators then attacked another sector more indiscriminately, but they knew exactly who they were after, and they knew where their targets were.

At this point, I’d like to step back and point out the significance of these attacks. These attacks were not, by any means, of the same proportion or intensity of those that occurred during the genocide. But they were, in the eyes of many Rwandans, continued acts of genocide. Even with the limited means available to the insurgents, they were still targeting and killing ethnic Tutsi just for that very reason: either because they were ethnic Tutsi, or they were associated with the government. The victims were all civilians, with the exception of the one RPA soldier who was off-duty at the time.

This has to be seen in the context of a very serious need for protection. There was no question that this was viewed as a re-establishment of the genocide, and also as an increase in the level of infiltration.

Many, particularly those in the Hutu detainee population, perceived this as the beginning of the insurgents’ armed return. One of the tactics that Interahamwe/ex-FAR in the camps used to keep people in the refugee camps, was to tell them constantly that “next month, or next summer we’re going to invade, we’re going back, and we’re taking Rwanda, and you definitely want to be with us when that happens.” It seemed to many Hutu and Tutsi alike that the threat was being realized.

During this period, there was another significant change. Judicial inspectors who interviewed people suspected or accused of genocide most often heard a response of, “No, I was not involved, I did nothing, I am an innocent.” But after these attacks in the early summer of 1996, the inspectors began receiving very arrogant and assured responses from people who openly admitted to killings and sometimes proudly offered to provide the number or names of their victims.

Guards at detention centers often heard detainees shouting to them, “The ‘work’ is about to begin again.” During the genocide, the killing was called “the work.” “We’re going back to work.” “We’re coming back to finish what we only started before.”

It is difficult to comprehend what that means to families who have lost significant numbers of family members, who have been, quite simply, butchered. You must try to understand the fear that this puts into local civilians, even into the hearts of armed RPA soldiers. What they felt when they
heard the stories of this change in attitude created incredible levels of fear and anxiety.

Many of us in the international community have voiced our concern about the Rwandan government’s villagization programs, or grouping housing for different returnees, which is the same as different ethnicities. It was the intimidation and killing that took place during this time that had the greatest effect on segregated housing.

Forexample, consider a community in which 10 to 15 percent of its population were Tutsi before the genocide. After the genocide, let’s say the percentage of Tutsi in that population was two to three percent. They had already lost a number of family members. Then, when a couple of those few family members who remained were killed, and notes were left on doors saying that militia would be coming back for those who remained, there were great movements of Tutsi, or survivors, out of many areas.

In particular, we saw this in Kibuye, and also in northern Gitarama, where there were several hundred genocide survivors and other Tutsi who had left their home sectors or communes. In Nyabikenke, for example, more than 1,200 people had moved out of their sectors in July after the family of nine mentioned earlier were killed just to the north of their commune. In the days that followed the killing, warning notes were put under the doors of many Tutsi families living in the area, and soon more than 1,000 people moved out of outlying sectors and huddled around either army bases or communal offices.

So through intimidation, and fear substantiated by brutal killings, the insurgents were able to ethnically cleanse remote areas of the west beginning in the summer of 1996. It was the intention of insurgents coming from camps in Zaire, and to a lesser degree from Burundi, to force Tutsi out of as many areas as possible, because it provided them zones where they could establish safe houses, and develop a strong support base.

With regard to human rights during this time, the initial period from January through the end of June 1996 was the most constructive period that UNHRFOR had working with the RPA. In the fall of 1995, we had a new Chief of Mission in the Human Rights Field Operation. That was a significant change, both in the mission’s ability to establish a better relationship with the government, and also to have strong management capabilities at the top in the mission.

We were able to develop a very constructive engagement with the military and with the Ministry of Defense. In our meetings with General Paul Kagame, the Vice President and Minister of Defense, he challenged us to bring him good, reliable information on violations committed by military forces and assured us that he would respond with a formal investigation and prosecution. He was right to challenge us because until the arrival of a new Chief of Mission, some of our reporting on specific incidents was questionable.

We began to bring reports to officials at the Ministry of Defense on incidents involving soldiers directly. Although it wasn’t easy in the beginning, they eventually saw that we were there to provide them information so that they could address problems within their own ranks. Soon they understood that our reports were not written to humiliate or embarrass them, or make them out to be the villains. Their purpose was to show the military problem areas that they needed to address themselves.

This more constructive approach also included meetings with other ministries, such as Justice and Interior, as well as the Gendarmerie. But the most productive, that with the Ministry of Defense, became difficult to maintain in the summer of 1996. As we developed a close working relationship with them and were able to persuade them to initiate investigations on cases that we thought needed to be examined, the level of infiltration increased dramatically.

It is important to note here that the violations that took place—that were committed by military units or military individuals at this time—were almost consistently in response to insurgency activities. These did not occur in a vacuum. It was almost always the case that after insurgents killed a family of genocide survivors or a government official, an RPA military operation would be carried out, during which people were killed.

Sometimes the casualties were identified as unarmed civilians, sometimes they were clearly identified as infiltrators.
But there was almost always a cause and effect relationship between an insurgency attack and an RPA operation where excessive force was used.

The increased infiltration and the increased military operations strained the relationship between UNHRFOR and the Ministry of Defense as both tried to keep pace with events. As control of the enemy became a greater priority for the military, we were pushing for greater restraint of combat troops. And until the late summer of 1996, the military did cooperate to the degree possible. They provided us with an extra military prosecutor and an assistant prosecutor, to continue their own investigations of our reports. But after the serious attacks on genocide survivors in June and July of 1996, the RPA started to see things differently.

Most frustrating for the Rwandan government at that time was that no matter what they did with regard to their military operations, they knew that there was always a possibility for the infiltrators to flee back across the border into Zaire. The RPA knew that there was a constant supply of weapons and new recruits coming from the camps, a fact that I believe has been confirmed by several sources.

As with Kibeho, they eventually gave up hope that the international community was going to do anything to address the military activities in the camps in Zaire and developed a tougher response to the insurgency.

RPA's Tough Response to Insurgency and the Massive Refugee Return

The fourth period, from July 1996 to January 1997, was dominated by the Rwandan government’s decision to deal with the refugee problem on their own.

It should be noted here that the insurgent attacks were escalating and had a very important effect both on the government and the population. The government felt it necessary to ensure the genocide survivors, an important constituency in the country, that something was being done, that their security was also being looked after.

Vice President Kagame made it very clear in his speech on July 4th (which is also their liberation day or independence day, the day that Kigali was taken in the war) that force would be met with force, and that it was time to react very strongly to the type of infiltration and killing that had gone on up until that time.

After that speech, in July, and then into August, we saw a hardening of the government’s approach, particularly in cordon and search operations. What I am about to explain is in no way intended to be a justification of incidents in which unarmed civilians were killed, but it is very important to understand the lengths to which the government went to avoid this type of military response.

There were many large-scale information campaigns—government officials, high level officials, sometimes including ministers or the president, traveling to the communes, going into areas that by this time were becoming rather dangerous—talking to people on the ground, and sending out a very clear message: “If you do not start to cooperate, if you do not stop assisting the insurgency, there will be cordon and search operations, and in those operations, if anyone hides or anyone runs, they will be considered the enemy and they will be fired upon.” This was all made clear before these operations took place.

But infiltrators continued to receive support, and killings of genocide survivors and local government officials continued as well. Consequently, when RPA cordon and search operations were conducted, the number of people who were killed during these operations increased. Some of the increased death toll can also be attributed to the dramatic increase in the size of the operations. In one operation alone, up to 30,000 people were rounded up, screened, and many of them were interrogated and detained.

During these operations, the RPA did at times meet with some armed resistance, which usually led to a fire fight and possibly an increased number of civilian deaths. Although many of those killed were non-uniformed combatants, there were operations during which many unarmed civilians were killed.

The argument of the RPA in such cases was that some of those killed, while not uniformed or visibly armed, were running for weapons—which in many cases has proven to be true. But it is also true that some soldiers had become less discriminate with the use of deadly force.

This debate, on the determination of who was or was not an unarmed civilian, was one of the greatest points of contention between UNHRFOR and the Rwandan government. By the end of August 1996, the response of the Ministry of Defense to UNHRFOR reports of human rights violations by their
men in cordon and search operations was cool, and seldom led to investigations.

During late September to early November 1996, the number of violations dropped off dramatically. With the war starting up in eastern Zaire, we thought that there would be a significant increase of infiltration and insurgency activity. To the contrary, as the war spread in eastern Zaire, the western prefectures of Rwanda became incredibly quiet. As the attacks carried out by insurgents decreased, the military activity and the number of people killed during military operations dropped off equally. This was the case until mid-December, several weeks after the massive return of refugees from Zaire.

Although the repatriation of Rwandan refugees first began from Burundi in July 1996, the truly massive influx began with the return of those fleeing the war in eastern Zaire in mid-November of the same year. This was soon followed by the return of Rwandan refugees from Tanzania. In December, there was an increase in the number of violent incidents in Rwanda and a deteriorating security situation. It was again related to the increased number of insurgency activities taking place.

One thing has to be remembered with regard to the number of people coming back in late 1996: The government at first arrested very few people returning to Rwanda from the camps. There were not a large number of people who were arbitrarily detained or arrested on the borders. Returnees were allowed to find their communes, where they were often identified by people there as being involved in the genocide and then arrested.

And this is truly astounding: the ex-FAR who came across the border from Zaire were not separated out and were not detained at the border. They were given the chance to return to their communes, they were given ID cards, and they were often told that they would be responsible for security in their communes—in other words, that they needed to take some responsibility. But many of them disappeared after this, and began to contribute to the insurgency.

One of the most important points to remember about this period is that the return of Rwandan refugees resulted from decisions made by the Rwandan government in response to the continued insurgency coming from the camps, primarily in Zaire. Once the Rwandan government realized that the international community would not, or could not, shut the camps or turn off the assistance, and that the mounting insurgency could not be countered as long as the insurgents' rear bases in the camps remained, the Rwandan government took it upon itself to address the problem on its own.

Rwandan officials see themselves as the ones who took care of the refugee problem, without any help from the international community.

V. Security Period #5
(January 1997 - May 1997):

Reintegration

From January to mid-February 1997, the number of security incidents again increased dramatically. What we also saw at the time were the first deaths of expatriates.

In mid-January, three Spanish expatriates with Medicos del Mundo were killed in Ruhengeri. Before the end of the month, a Canadian priest was also killed in the same prefecture.

In early February, two UN human rights field officers were killed in Cyangugu, along with three of their Rwandan staff. They were killed on their way to a meeting at which a government minister and several other officials from Kigali were going to encourage the local population to stop cooperating with insurgents. It was in their efforts to support this type of government initiative that they were killed.

Shortly after this, in March and April 1997, another significant change or expansion in insurgent tactics took place. Insurgents began openly attacking mixed groups of people, demanding that the Tutsi and Hutu separate, and then firing on the Tutsi. The first of these attacks was on a minibus that was stopped on the road coming from Ruhengeri toward Kigali. People were told to get out of the bus, and to separate into two groups, Hutu and Tutsi. Once this was done, the insurgents shot into the group of Tutsis killing several people. Only a couple of the Tutsi escaped; none of the Hutu was harmed.

The next two incidents took place in schools—one incident was on March 18, I think in

"Rwandan officials see themselves as the ones who took care of the refugee problem, without any help from the international community."
Kibuye, and the other on April 28, in Satinsyi Commune, Gisenyi. In both cases, the insurgents went into a boarding school in the middle of the night, and told the students, mostly adolescent females, to separate between Hutu and Tutsi. When the students refused, claiming that they were all Rwandan, some of them were beaten to death and others were shot. Sixteen students were killed and 20 injured in the attack on March 18, and 17 killed and seven injured in the attack on April 28. A 62-year-old Belgian nun who had been in Rwanda for more than 20 years was also killed in that attack.

This progression during the past three years of increasingly brutal insurgent attacks, followed by expanding Rwandan military operations, continues in Rwanda today.

Since I returned to the United States, most of the questions I have received have been about the current Rwandan leadership. There are a couple of points I would like to make in this regard.

I would like to point out, since I am often asked about the Rwanda/Burundi situation, that it is not possible to develop a clear understanding of either government, much less either country, if they are not first viewed through their differences rather than their similarities.

The most influential elements of the Rwandan leadership come from years of training and service in Uganda. And the most powerful among them made it clear early on in the establishment of the new government that they viewed Museveni's policy of co-opting rather than dominating different ethnic groups as the most likely to succeed in Rwanda. This is quite a different approach from the segregation and self-defense of groups against each other that one sees in Burundi.

However, over time, we have seen segregation occur—driven for the most part by attacks and threats against Tutsi, especially in isolated areas of the west—and a hardening of the government's counter-insurgency measures. I don't know if this has more to do with an increased influence of hardliners in the government, or a new consensus that this is the only way to win the war. But I can say without a shadow of doubt that the most important factor behind this change is the renewed fighting force of the same people who carried out the genocide.

My last point here is that the current conflict between the government of Rwanda and the ex-FAR and militia is not one that will end through negotiation between the two parties. In many conflicts such as those in Latin America, or even in Bosnia, as difficult as it may seem, it is eventually possible to get the warring parties to sit down and come to some terms. How can the government of Rwanda negotiate with a group whose professed goal is the completion of a genocide?

A third party to this conflict that carries enormous responsibility for the impossible situation today is the international community. It is bad enough that we turned our backs on those slaughtered during the genocide. But how do we continue to justify the fact that when we did get involved we gave direct assistance to the genocidal political leadership in the refugee camps in Zaire—allowing them to rehabilitate, regroup, rearm, and maintain control over a sizable civilian population from which they could recruit fresh combatants, and create the illusion of legitimate leadership.

The growing conflict in Rwanda is as much a result of our action as it is of our inaction. For this reason, we carry an enormous responsibility for the lives, Tutsi and Hutu, that are lost today.

What is most upsetting is that the best opportunities for separating the militia and former military from the rest of the population have been lost due to inaction by the international community during 1994-96. If any solution is to be found now, it can only come from a very serious commitment to resolving past as well as current problems.

What Rwanda needs most from the international community is not only aid for rebuilding the country's infrastructure, but also assistance, and strong encouragement, to return to more open policies that allow for the development of civil society, a freer press, and greater inclusion of moderate Hutu politicians in government. Additionally, while we must assure, through the International Criminal Tribunal for Rwanda, the prosecution of those outside Rwanda, who bear responsibility for the genocide, we must do whatever possible to support and encourage the independence of the judiciary within Rwanda.

With that, I will conclude and open it up for questions.
Question:
Based on your experience, would you project a little bit and predict the future of Rwanda in the next six months, or the next year.

Response:
There is no longer a support base for the insurgents outside the borders of Rwanda, and the stockpiles of arms hidden in-country are believed to be somewhat limited. I think what we’re seeing right now is a last-ditch effort by the infiltrators or by the former military to try and do whatever they can, because they have very few options left open to them.

I would like to believe that eventually they will run out of weapons, or ammunition, and that the population in these areas will see that it is futile to support their efforts. I don’t know if that will happen. I think the RPA believes that they have a few more months to take care of things.

But one of the things you have to remember is that in some areas—for example, in Ruhengeri—what might appear as popular support for the insurgency is not based on ideological consensus; instead, it is based on family relations. And that makes a very big difference.

I think the important thing here to be conscious of is that if there is instability on the other side of the border in Zaire, especially opposition to Kabila’s government—and that is a strong possibility—those who are involved in any resistance to Kabila would also be supportive of those fighting the Rwandan government.

With regard to the impact of this on human rights, and on all UN and relief operations in the western prefectures, it does not bode well. Human rights workers can go into most of those areas with a military escort, but it’s not easy for them to do their work when they have a military escort. Usually the RPA escorts the team to a commune or a village, and stays outside so field officers have freedom to speak to people without the RPA standing next to them; far enough away to allow them to do their work but close enough to provide security.

The problem now is the insurgency. Even if you have an armed escort—two pickup trucks of RPA soldiers—will that be sufficient to protect you in an ambush? With the loss of five HRFOR staff in Cyangugu and the brutality with which those executions were carried out, we’re very hesitant to send field officers into some areas. So I would say that initially it will have an impact, it will keep us out of certain areas.

But another point that has to be remembered is that Rwanda is a very small country, and it is one of the most densely populated countries in the world, so it is very difficult to keep secrets there. Even if we are not at a specific location and we do not hear about an incident immediately after it occurs, eventually that information does come to us, although it may not be as timely or as accurate as we might like.

Question:
The fact that many NGOs or United Nations agencies don’t have any access to communes any more for security reasons makes it difficult to assess the food situation and then to provide food both to the refugees and then to the population in the village. What’s your feeling on that?

Response:
There are definitely going to be problems with food distribution. There was a report just this morning, about two Rwandans working with WFP who were killed in Ruhengeri. One was killed with his family. That type of incident will make distribution difficult, if not impossible.

The only point I would make is that many returnees are moving back to areas where they have relatives who do have some food stocks. The harvest, because of a good rainy season, was fairly good this year, especially in the northwest where many returnees are going.

Although there will be problems with food because of the dramatic increase in the population, I don’t think that it will be anything like we’re accustomed to seeing in areas where there’s actually been a drought.

Question:
You commented a lot about what’s happened in the west, but there were also maybe 500,000 or so who returned from Tanzania, and there’s obviously a good support base down in Burundi. I wonder if you could reflect a little bit on what you see as a result of those returns.

Response:
When the returnees first came back from Tanzania, there was a fairly significant number of arrests. But those were often carried out by the local population. The RPA had to intervene to take the arrested people away from the local population. A couple of sporadic incidents have taken place in the east and south, but nothing compared to the western prefectures.

For the most part, the east is calm and quiet.
While the Human Rights Field Operation has a team based in Butare, and a team based in Kibungo, the teams that were based in Gitarama, Gisenyi, Ruhengeri, Kibuye, and Cyangugu all had to move out. The Butare team has still been able to visit some communes in Gikongoro and seven or eight communes in Butare. In Cyangugu and Gisenyi, of course, they have not even gotten outside of the town. I think they have gone into Kibuye once recently. In Ruhengeri, again, they don’t even go outside of town. The Kibungo team, on the other hand, has visited all communes in their prefecture in the last week or so. It is a completely different situation in Kibungo, even though they have received a very significant number of returnees. I believe that it is because of the support former government forces get from villagers in the western prefectures. Such support for insurgent activity is not found in the east.

**Question:**
There’s been—certainly over here, I don’t know about in Rwanda with your operation—a continued aura of uncertainty about who did kill the relief workers in Ruhengeri, and your HRFOR staff in Cyangugu. What can you say?

**Response:**
Investigations into killings are an important element of our work.

The information we gathered on the killings that took place in Ruhengeri was not conclusive in any way. The Human Rights Field Operation does not give impressions about such incidents. We cannot say, based on what information we did gather, that we think it might have been this group or that group.

With regard to our five staff who were killed in Karengera Commune in Cyangugu, our investigation was conclusive. There were several people captured—insurgents—whom the RPA identified as responsible for the killings. We were given free and private access to them, and they spent several days with our chief investigator, an assistant investigator, and a human rights field officer from that area.

At the end of those interviews, our investigator, who’s an exceptionally skeptical person, was convinced that the killings were carried out by insurgents. There was a large group of insurgents operating out of Nyungwe Forest, carrying out some attacks in Karengera. We believe that the people we interviewed were part of a small breakaway group linked to the insurgents in Nyungwe, and that they were the ones who carried out the attack. The purpose of the attack was to kill expatriates, the first ones that drove into their ambush. As we understand it, the objective was simply to kill expatriates in a white car. It was not focused on any one organization, it was not directed at human rights observers specifically.

After the RPA captured this group, they did find the radios and the identification cards and some of the personal effects of the staff, as well as weaponry. So while we can’t say one way or the other what happened in Ruhengeri, we’re convinced it was members of the insurgency who killed our five staff in Karengera.

**Question:**
You mentioned the relative obtuseness of the international community in dealing with the reintegration effort as it commenced. About the time you showed up over there, the so-called Gersony report was circulating around the international community, which raised a sort of neuralgic view that the government themselves were involved in a genocide of an opposite set, which I think delayed if not put off indefinitely some of the support mechanisms that were being put in place.

Is it your view now that those notions have been dispelled on the part of the international community, or is there still a lingering doubt?

**Response:**
In addition to the Gersony report there have been several allegations by the former prime minister, Faustin Twagiramunzu, about large numbers of people who were killed by the RPA as they took over areas during the war. I think his figures eventually exceeded 250,000 killed.

First of all, none of these reports were sent to us directly. We never had access to the Gersony report, and when we asked about the reports that came from the former prime minister, we eventually were given some information as to where these massacres reportedly took place. We had our chief investigator at the time look into them, and he could not find any conclusive information that those types of massacres had taken place.

Most people believe that there were incidents of unwarranted killings by the RPA during the 1994 war that ended the genocide, but not at the levels reported by Gersony or Twagiramunzu.

We found no evidence that such massacres...
took place. As I was saying before, it is very difficult to hide things in Rwanda. There is no shortage of people who are willing to tell you about mass graves, or about killings. And there’s never a shortage of large numbers. We were often given exaggerated numbers of people killed in an incident. In one case where 111 civilians were killed, the first couple of reports we received were that 300 to 3,000 people were killed. But after days of extensive interviews, the facts eventually brought the number far below the original figures.

So yes, I would say that there probably were some sporadic killings, which are more difficult to identify; but with regard to massive numbers and large massacres by RPA in 1994-95, I don’t believe that happened.

The last point that I would like to make, because you bring up an interesting question, is that when you look at the situation in Rwanda, and then you look at the situation in the old refugee camps, the solutions should have been obvious.

I think that the information was always available to tell anyone who could do something about the situation there, that conditions in Rwanda were better than those in the camps. In the refugee camps, freedom of information, freedom of movement, were severely restricted. Even those who did manage to get reliable information on the situation in Rwanda were sometimes killed for trying to act on it by attempting to return home. People were under constant intimidation by those who controlled their daily supplies and who were motivated by an extremist political agenda. This cannot be compared with the situation in Rwanda.

But an even more important point here is that while many took the position that refugees would have to be maintained in the camps until the situation improved sufficiently in Rwanda, it was the presence of the camps and the insurgency activity that they supported that were directly responsible for the deterioration of the situation in Rwanda.

**Question:**
Some people have speculated that a large proportion of people who have been fingered among the returnees and been put in jail were implicated because they happened to be claiming land. Do you have a sense of what proportion of the detainees are a result of land disputes?

**Response:**
I’m sure that it has happened. There were reports of such incidents. I don’t have any numbers on it. I know that it was a problem, but I wouldn’t say that it was a large percentage of the people who were detained.

There were a lot of problems with how and why people were detained. The Rwandan government has an incredible task on its hands. But addressing these types of issues in a country that has just experienced a civilian-perpetrated genocide poses an enormous array of very complex issues. Just one example is the many people making these false claims against Hutu who have had their homes destroyed and family members killed during the genocide. The number of well trained and committed investigators needed to unravel these cases is far beyond the capacity of the government.

So, while there have been many problems with the way people have been arrested and sometimes why they have been arrested, I think that many of those cases can eventually be resolved if the Rwandan government receives adequate assistance and can assure the independence of the judiciary from the influence of local civilian or military authorities.

**Question:**
I have a question on the number of human rights monitors. I think the government of Rwanda initially requested 300, but there were only resources to send 130 or so, and I wonder if that was ever an issue.

**Response:**
The initial demand was to have a human rights monitor in every commune; with 147 communes, the proposed number of monitors was 150.

The initial planning was exceptionally poor. You cannot have 147 people in the field gathering information, without developing and maintaining standard operating procedures, or lines of communication. Also, without sufficient staff in Kigali gathering field information to put together analytical reports, you can’t develop a clear view of how to address problems.

One of the major problems with the operation initially was that there was no middle management. To have 147 monitors in the field, the total mission staff would have to be considerably higher. The mention of having 300 monitors, two for every commune, came out of a political dialogue that did not reflect realities in the field. As the mission never reached the level of 147 monitors in the communes, it was never possible to evaluate if more were really needed.
Now the numbers are down significantly, around 100, and that is more than enough for the different kinds of work that they have to do. If the security situation was different and it was possible to travel to all areas of the country, it might be reasonable to take the numbers back up to 130, but not much higher than that.

Initially in Rwanda, I think that much could have been done if we had been further along in the development of human rights field operations. No one had the experience required to set up and run such a new type of field operation. The proposed size makes this even more challenging.

This brings me to another point I would like to make: the opportunities for reconciliation and reintegration in the earlier months, in the first year, were phenomenal. Rwandan people were working together and were getting along. That has changed dramatically. That initial period was a golden opportunity which was lost. I don’t know if we could ever have taken advantage of it—but if we could have, it would have demanded a much stronger and a much more articulate response from both established UN agencies and NGOs, as well as new organizations such as UNHRFOR.