

UNITED NATIONS

Rwanda

Rwanda v. Ayala Lasso

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Economic and Social Council

Distr. GENERAL

E/CN.4/S-3/3
19 May 1994

Original: ENGLISH/FRENCH

COMMISSION ON HUMAN RIGHTS
Third special session
24-25 May 1994

Item 3 of the provisional agenda

DEPARTMENT OF STATE

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Report of the United Nations High Commissioner for Human Rights,
Mr. José Ayala Lasso, on his mission to Rwanda 11-12 May 1994

Introduction

1. Since 6 April 1994, the world has witnessed in Rwanda a human rights tragedy of unprecedented dimensions. Hundreds of thousands of civilians, including large numbers of children and women, have been killed, often after being subjected to torture, and thousands have disappeared. Millions were forced to leave their places of residence, seeking refuge in other areas of Rwanda or abroad. Others are trapped between the lines of fighting or are forcibly detained, and many are in hiding, fearing for their lives. Disease and famine threaten those who, so far, have escaped death.
2. The killing of civilians in large numbers for ethnic or political motives is not new in Rwanda. However, the violence unleashed during the last six weeks exceeds by far even the worst of previous outbursts of hatred and intolerance.
3. A major change in the power structure in Rwanda took place with the Hutu "social revolution" in 1959, which ended Tutsi domination of the country's political and economic life and led to the country's independence in 1962. 1/ During the following decades, Rwanda has repeatedly been the scene of mass killings and the exodus of large numbers of Tutsi to neighbouring Burundi, Zaire, Uganda and Tanzania. There have also been repeated attempts by Tutsi refugees to come back to power. Each such attempt gave rise to renewed ethnic violence and hatred. In 1973, Major-General Juvénal Habyarimana, a Hutu originating from the northern prefecture of Ruhengeri, seized power in a military coup d'état. Since then, regional rivalries were added to ethnic antagonism.
4. In October 1990, the Rwandese Patriotic Front (RPF) invaded the country from Uganda with a force of some 7,000. The RPF is composed mainly of Tutsi refugees, many of them former members of the Ugandan armed forces. The Special Rapporteur of the Commission on Human Rights on extrajudicial, summary or arbitrary executions, Mr. Bacre Waly Ndiaye, visited Rwanda in April 1993 and concluded that, following the 1990 incursion by the RPF, a deliberate government policy had collectively labelled all Tutsi inside the country as accomplices of the RPF, and that this linkage, the ensuing climate of suspicion and fear and the directives which followed had triggered massacres of thousands of civilians. 2/
5. None of the cease-fire agreements signed in attempts to end the hostilities in July 1992, October 1992 and January 1993 put an end to the armed conflict. On 8 February 1993, the RPF breached the January 1993 cease-fire agreement, accusing the Government of President Habyarimana of continuing human rights violations, including the massacre of more than 300 Tutsi in north-western Rwanda in January 1993. On 9 March 1993, a demilitarized zone was agreed upon by the Government and the RPF in a cease-fire concluded at Dar-es-Salaam. This agreement stipulated that the RPF forces would return to positions occupied prior to 8 February 1993. A group of neutral military observers (GOMN) of the Organization of African Unity monitored the demilitarized area. Violations of the cease-fire by both sides were reported regularly.

6. A peace accord formally ending the armed conflict was signed by the Rwandan Government and the RPF on 4 August 1993 in Arusha, Tanzania. The agreement provided for a transitional Government including members of the five political parties represented in the then Government, as well as members of the RPF; for the integration of members of both sides' forces into a national army and a national gendarmerie; and for the right of all refugees, including those from past decades, to repatriate.
7. Both the Government and the RPF called for the deployment of a United Nations peace-keeping force to assist in the implementation of the peace agreement. This was approved by the Security Council on 5 October 1993: resolution 872 (1993) established the United Nations Assistance Mission to Rwanda (UNAMIR) with the mandate to assist in the implementation of the cease-fire agreement. 3/ On 5 April 1994 the Security Council extended the UNAMIR mandate until 29 July 1994 (resolution 909 (1994)). The mandate was adjusted by the Security Council in its resolution 912 (1994), of 21 April 1994, which, inter alia, reduced the numbers of UNAMIR personnel in Rwanda. On 17 May 1994, the Security Council expanded the UNAMIR mandate, authorizing inter alia an expansion of the UNAMIR force level up to 5,500 troops (resolution 918 (1994)). In that resolution the Security Council also called for an arms embargo for Rwanda.
8. While formally ending the armed conflict, the Arusha peace accord failed to put a halt to violence. Politically motivated killings continued during the last four months of 1993 and, particularly, early in 1994. The Arusha peace process was interrupted when, on the evening of 6 April 1994, the Rwandan presidential jet was shot down in Kigali. Those responsible for the death of the Presidents of Rwanda and Burundi, together with several ministers and high government officials aboard, have not yet been identified. In the early hours of 7 April 1994, the Rwandan Government-controlled radio attributed the responsibility for shooting down the plane to the RPF and a specific contingent of United Nations soldiers. What followed was the indiscriminate and large-scale killing of civilians including political opponents of the dead President. Moderate members of the Government, including the Prime Minister and her children, as well as 10 United Nations soldiers, were also assassinated.
9. The RPF started fighting in the capital, Kigali, on 7 April 1994, after informing UNAMIR that they were compelled to do so in order to protect the Tutsi population. At the time of my visit on 11 and 12 May 1994, the RPF controlled almost half of the country's territory, to the north-east of a line that divides Rwanda roughly diagonally from north-west to south-east. RPF troops were making considerable advances towards the south and were moving towards an encirclement of the capital.
10. During the days and weeks that followed the assassination of the President, violence spread out to other areas of the country and reached an unprecedented scale: it has been estimated that more than 200,000 people, the majority of them innocent civilians, including children and women, have been killed. According to well-informed sources, the numbers may be considerably higher and may exceed 500,000.

11. Recent incidents reported from Government-controlled areas include the killing of 4,000 civilians in the parish of Shangi, 2,000 at Mbirizi and 800 at Nkanka, all in the diocese of Gikongoro; the killing of 4,000 refugees at Kibeho and many others at other churches in the diocese of Gikongoro; the killing of wounded persons being transported in vehicles of the Rwandan Red Cross in Kigali; and the killing of injured civilians taken from Butare hospital by members of the military. Many were killed or mutilated before the eyes of staff of intergovernmental agencies and non-governmental organizations, one child even in the arms of a staff member of an international humanitarian organization.

Action taken by the High Commissioner

12. I have followed the situation in Rwanda with increasing concern since I assumed the function of High Commissioner for Human Rights on 5 April 1994. On 14 April 1994, I addressed a memorandum to the Secretary-General in which I expressed my deep concern at reports of grave human rights violations in Rwanda and suggested that urgent measures be considered to prevent a further deterioration of the human rights situation there.

13. On 26 April 1994, I requested information on the situation and suggestions for action from a wide range of United Nations agencies and programmes, special rapporteurs of the Commission on Human Rights, chairmen of human rights treaty bodies, the Organization of African Unity, the African Commission on Human and Peoples' Rights, the International Committee of the Red Cross and non-governmental organizations.

14. On the basis of the information and reports received in response to this request, I called on members of the Commission on Human Rights, on 4 May 1994, to consider the advisability of convening the Commission on Human Rights in emergency session to address the human rights situation in Rwanda.

15. In the light of continuing reports of extremely grave and massive human rights violations, I decided, after consultations with the Secretary-General, personally to undertake a mission to Rwanda in order to appeal to both parties to stop the human rights violations immediately and to work towards a negotiated settlement of the conflict (see the text of my appeal issued in Kigali on 12 May 1994, reproduced in the annex to this report).

Mission of the High Commissioner to Rwanda

16. I visited Rwanda from 11 to 12 May 1994. On this mission, I was accompanied by Mr. Louis Joinet, expert of the Commission on Human Rights and the Sub-Commission on the Prevention of Discrimination and Protection of Minorities, 4/ as well as by three staff members of the United Nations Centre for Human Rights.

17. I reached Kigali on 11 May 1994, where I met with the Special Representative of the Secretary-General for Rwanda, Dr. Jacques-Roger Booh-Booh, and with the Force Commander of UNAMIR, General Romeo Dallaire, who made available to me documentation and information on the situation there, particularly since 6 April 1994. I should like to express my gratitude to them for all their support in connection with my visit. In particular, I am

most grateful to General Dallaire for having facilitated all security and logistical arrangements in order for me to be able to meet with representatives of both parties to the conflict.

18. Also on 11 May 1994, I travelled to Byumba, 70 kilometres to the north-west of Kigali, where I met at the RPF headquarters with General Paul Kagame, Commander of the armed forces of the RPF. On 12 May 1994, a meeting was held in Kigali at the headquarters of the Rwandan Armed Forces (RAF) with General Augustin Bizimungu, Commander in Chief of the RAF and Colonel Théoneste Bagosora, Chief of Cabinet at the Ministry of Defence. Together with them, I visited the Hotel "Milles Collines", where approximately 550 Tutsi are currently trapped between the lines of fighting. I then made an appeal on Radio Rwanda, urging both sides, inter alia, to cease hostilities immediately, put an end to violence and ensure respect for human rights; to allow the population free movement to a destination of their choice; and to begin a process of negotiations with a view to achieving peace in Rwanda. I repeated this appeal at a press conference on 12 May 1994 in Nairobi, and on 13 May 1994 upon my return to Geneva. The text of the appeal is attached as an annex to this report.

19. In my conversations with the military commanders of both sides, I clearly expressed the condemnation by the entire international community of the massive and extremely grave human rights violations committed by all those participating in the conflict. I reminded them of their obligations, as enshrined in the international human rights instruments to which Rwanda is a party 5/ and in international humanitarian law 6/, to take effective measures against the killing of innocent civilians, and of their responsibility for acts committed by those under their command. I also appealed to them to use their authority to stop the violence immediately, to work towards a cease-fire and to return to the negotiating table, as called for by the Secretary-General. Furthermore, I urged both sides to grant all those in need full access to humanitarian assistance and to allow the civilian population free movement to safe areas of their choice. In this connection, I referred in particular to persons trapped between the lines of fighting in locations such as the "Milles Collines" and Méridien hotel, the Amahoro stadium, the King Fayçal hospital or the "Sante Famille" Church in Kigali. I informed the military commanders of the steps taken with a view to convening an emergency session of the Commission on Human Rights and the consideration being given to the investigation of human rights violations. I also referred to the current efforts of the Security Council to increase the numbers of UNAMIR personnel. Finally, in a longer-term perspective, I offered my contribution, and that of the Centre for Human Rights, in building up national infrastructures for the promotion and protection of human rights and for developing an atmosphere of tolerance and respect for human rights throughout Rwanda. General Bizimungu stressed the important role that the United Nations had to play in Rwanda and that the priority was to find a solution acceptable to both parties to the conflict. While he gave me assurances that the hostages would be freed, he pointed out that he did not control action by the militia and other government forces in Kigali. Upon my invitation, the General went with me to the Hotel "Milles Collines" to inform representatives of the hostages directly of the decision just taken by the leadership of the RAF to free them as soon as possible.

20. While General Bizimungu declared that the Government was ready to accept an immediate cease-fire, General Kagame, on behalf of the RPF, stated that a cease-fire could only be considered as part of a process in which, first, killings of civilians by government forces must be halted. Other elements of that process should include an international investigation leading to the identification of those responsible for the mass killings and an end of impunity, as well as assistance to all those in need. General Kagame stated that, instead of calling on the RPF for an immediate cease-fire, the international community should exert pressure on the Government to halt the killings. In this context, General Kagame also stated that killings had taken place during earlier periods when cease-fire agreements between the Government and the RPF were in force, and deplored the decision taken by the Security Council to reduce the number of UNAMIR troops, thus leaving it to the RPF to ensure protection of the Tutsi population and government opponents. General Kagame also criticized the fact that some foreign Governments had only evacuated their nationals and some selected Rwandans, but had not attempted to impede the mass killings. General Kagame pledged to do all in his power to save lives and ensure respect for human rights. He expressed his appreciation of the visit of the High Commissioner at that time and stressed that the international community had an important role to play in the future of Rwanda.

21. Both sides accepted the idea of an international investigation into human rights violations. They also expressed their readiness to accept, and cooperate with, United Nations human rights monitors under UNAMIR protection, to facilitate humanitarian assistance to the population in need, and to permit freedom of movement to those who wanted to leave areas where they did not feel safe. In that regard, General Bizimungu and Colonel Bagosora referred to recent unsuccessful efforts to evacuate 60 persons of foreign nationality trapped in the Hotel "Milles Collines" (see para. 25 below). They further explained that that incident clearly showed the complexity of the situation, the RAF being bound by government decisions and closely associated with the feelings of the majority Hutu population. They promised that the RAF would continue making every effort to try to solve the situation of all persons trapped under similar circumstances. General Bizimungu recognized the fact, and expressed regret, that massacres had been committed by forces linked to the Government, which he termed as excesses ("débordements"). The fact that such killings had occurred had to be understood as a consequence of the shooting down of the presidential aircraft which he attributed to the RPF in collusion with one specific contingent of United Nations troops and the subsequent attacks of RPF forces in the capital. Because of those attacks, the RAF had not been able to control popular reactions and outrage. He also stated that investigations should cover alleged massive retaliatory action taken by the RPF against civilians loyal to the Government in the area under RPF control.

22. During my stay in Kigali, and during transit in Nairobi on 9/10 and on 12 May 1994, I also met with representatives of international agencies, programmes and organizations, who informed me about their current activities concerning the situation of Rwanda, as well as about the human rights situation there.

Current major human rights concerns

23. The information I could collect from a number of reliable sources during my mission confirms earlier allegations that extremely serious violations of human rights have taken place and are still continuing as of now. While, owing to problems of access both for non-governmental organizations and UNAMIR observers, such allegations are difficult to verify, the continuing flow of refugees into neighbouring countries (Burundi, Tanzania, Uganda, Zaire) and their reports leave little justification for doubts.
24. The fate of numerous people who are still hostages of the violence is another matter of great concern. For example, in government-controlled areas, 38,000 persons are currently being held at Kabgayi; 3,000 at the stadium in Gitarama; 5,500 at the stadium in Cyangugu; 1,700 at Mibirisi and 400 at Shangi (near Cyangugu); 60,000 at Runda (near Kigali). In the region controlled by the RPF, 300,000 are being held in different locations in the prefecture of Ruhengeri. Large numbers are also trapped in the capital itself, which is divided between the two parties, in particular in places such as the Amahoro stadium, the "Sainte Famille" Church, the King Fayçal hospital and the "Milles Collines" and Méridien hotels. Their situation has been described to me as desperate. In addition to the persons assembled in locations such as those enumerated above, many are in hiding. They, as well as those confined to areas in the interior of the country where food cannot reach them as aid convoys are denied access, face death by starvation. In this context, I was dismayed at reports that personnel of United Nations agencies trying to gain access to food depots in Kigali have been shot at and thus prevented from reaching them, while others have been detained and threatened by militia when attempting to distribute food.
25. In this context, it is worth noting that, in addition to ongoing fighting between the RPF and government troops, roadblocks and barriers mounted by militia, armed gangs or other unofficial groups in Kigali and on roads leading to other prefectures held by the Rwandan Government constitute a particularly unpredictable threat to the security of those wishing to move about Rwanda, including UNAMIR observers. Heavily armed, those manning the roadblocks can by no means be relied upon to follow orders or instructions given to them by the commanders of the Rwandan Armed Forces. This was clearly proved when a recent attempt by the Rwandan Armed Forces, together with UNAMIR, to take 60 non-Rwandan nationals from the Hotel "Milles Collines" to the airport and out of the country failed at one of the many militia checkpoints in Kigali (see para. 21 above). Furthermore, I should mention that at one of these militia checkpoints a UNAMIR armoured personnel carrier, part of a large convoy of UNAMIR vehicles led by General Dallaire which was transporting the High Commissioner and his staff back to UNAMIR Headquarters after the meeting with the RAF Chief of Staff, was stopped by a young militiaman who opened the door of the vehicle and checked the passengers inside thoroughly while brandishing a hand-grenade in his right hand.
26. Another extremely grave consequence of the violence is the massive displacement of populations: it is estimated that approximately 2 million Rwandans have left their homes to seek refuge from the violence in other areas within the country. More than 300,000 are reported to have crossed the borders into neighbouring countries, and refugee flows continue. As the RPF

advanced towards the south-east 250,000 fled to Tanzania (to the Ngara region). Several tens of thousands of Rwandans have crossed the border into Burundi to escape violence in the regions south-west of Kigali, particularly Butare, and are now in camps in the Kayanza region. Refugees from southern Rwanda also include many who had fled mass killings in Burundi in October and November 1993. Others have sought refuge in Zaire and Uganda.

27. The danger of an outbreak of epidemics as a result of the contamination of water by the corpses thrown into rivers and lakes, as well as those left to rot in the streets or among the bushes, is an additional threat to the lives of people both in Rwanda and in neighbouring countries. In addition to the current shortage of food, there is also a great risk of famine in the future if crops are not harvested and seeding cannot be carried out between July and September.

Concluding recommendations

28. The situation in Rwanda can be characterized as a human rights tragedy. The wanton killing of more than 200,000 innocent civilians, including women, children and elderly persons, calls for the strongest condemnation by the international community.

29. The struggle for power in Rwanda has obvious political connotations which transcend the framework of human rights. However, long-standing and persistent human rights violations have been committed in a climate of disrespect for basic human rights principles and impunity for the perpetrators of major crimes.

30. Effective international action to prevent a further escalation of human rights violations is urgently required. Killings of civilians must stop immediately.

31. At the same time, every effort must be made to achieve a cease-fire or at least temporary cessation of hostilities in order to create the conditions necessary for humanitarian assistance to reach the 2 million displaced, as well as other persons in need. Furthermore, all those who are trapped between lines or detained in places which they do not consider safe must be given the possibility of moving to areas of their own choice with the assistance and protection of UNAMIR.

32. The authors of the atrocities must be made aware that they cannot escape personal responsibility for criminal acts they have carried out, ordered or condoned.

33. All relevant international human rights instruments to which Rwanda is a party, including the Convention on the Prevention and Punishment of the Crime of Genocide, as well as international humanitarian law, must be fully respected.

34. Both parties to the conflict should immediately implement the above-mentioned steps and measures.

35. The Commission on Human Rights, for its part, may wish to consider the appointment of a special rapporteur who would examine all human rights aspects of the situation, including root causes and responsibilities for the recent atrocities, and report thereon as early as possible, and periodically thereafter.
36. The Commission on Human Rights may also wish to decide that the special rapporteur should be assisted in the collection and analysis of information by a team of human rights field officers acting in close cooperation with UNAMIR and other United Nations agencies and programmes from within Rwanda, as well as from neighbouring countries where Rwandan refugees are located.
37. It should be noted in this regard that both the Special Representative of the Secretary-General for Rwanda and the Force Commander of UNAMIR have pledged their full cooperation with United Nations human rights monitors, following a decision by the Commission on Human Rights in this regard.
38. The Commission on Human Rights may further wish to endorse the suggestion that future United Nations efforts aimed at conflict resolution and peace-building in Rwanda should be accompanied by a strong human rights component and that this process should be effectively supported by a comprehensive programme of human rights assistance.

Notes

- 1/ Before the outbreak of hostilities on 6 April 1994, the division of the Rwandan population into ethnic groups was as follows: 85 per cent Hutu, 14 per cent Tutsi and 1 per cent Twa.
- 2/ A more ample description of the historical background, as well as an analysis of various factors contributing to ethnic and political violence in Rwanda, may be found in the report of the Special Rapporteur on his visit to Rwanda in April 1993 (E/CN.4/1994/7/Add.1).
- 3/ During the process leading up to the signing of the August 1993 peace accord in Arusha and upon the request of the Governments of Uganda and Rwanda, the Security Council, in resolution 846 (1993) of 22 June 1993 had established the United Nations Observer Mission Uganda-Rwanda (UNOMUR) with a mandate to observe the entire frontier between Uganda and Rwanda to verify that no military assistance reached Rwanda. UNOMUR observers were deployed at the Ugandan-Rwandan border in October 1993. By Security Council resolution 872 (1993), of 5 October 1993, UNOMUR was integrated into UNAMIR, as was the Group of Neutral Military Observers (GOMN II).
- 4/ Mr. Joinet is currently Special Rapporteur of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities on the question of impunity. He is also Chairman/Rapporteur of the Working Group on Arbitrary Detention of the Commission on Human Rights.

5/ The International Covenant on Civil and Political Rights; the Convention on the Prevention and Punishment of the Crime of Genocide; the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity; the Convention on the Rights of the Child; the Convention relating to the Status of Refugees and the Protocol thereto.

6/ Rwanda is a party to the four Geneva Conventions of 1949 and to the 1977 Additional Protocols thereto. In this context, it should also be recalled that the RPF has stated to the International Committee of the Red Cross that it considers itself bound by the rules of international humanitarian law.

Annex

APPEAL MADE ON 12 MAY 1994 FROM KIGALI BY MR. JOSE AYALA LASSO,
UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

Kigali, 12 May 1.

The tragedy being experienced by the people of Rwanda is shocking the world. The deaths of some 200,000 innocent men, women and children are causing deep indignation which calls for universal condemnation.

All the peoples of the world feel jointly concerned by this suffering. It is in response to this indignation that, in my capacity as United Nations High Commissioner for Human Rights, I have come to Rwanda, in an impartial and objective spirit, to urge all the players in this tragedy to put an immediate end to these serious violations of human rights, in particular through strict observance of the international conventions guaranteeing those rights, including the conventions on humanitarian law and the convention against genocide, to which Rwanda is a party.

I have come to appeal for the immediate declaration of a cease-fire in order to create a favourable climate for the Secretary-General's efforts to ensure that the negotiations are successful. These negotiations alone can lead to a comprehensive political solution taking account of the rights of all and enabling the people of Rwanda to live in peace, solidarity and democracy.

I have come to request the parties to the conflict to authorize and guarantee the distribution of humanitarian assistance to all those in need, without distinction of any kind.

I have come to request that measures be taken without delay to ensure that all those who in this country find themselves hostages to the violence, notably in Amahoro Stadium, the "Milles Collines" Hotel, the Méridien Hotel and King Fayçal Hospital, are immediately transferred to places where they may safely receive the treatment to which they are entitled.

It is essential that the leaders and the perpetrators of these atrocities know that their responsibility is inescapable and that they will have to answer personally for their acts.

One does not fight for the unity of a people by fanning hatred. One cannot fight for the good of the people through extermination.

Just a few hours ago, we were witnesses to a new era, that beginning in South Africa and Palestine, where peace and prosperity beckon, through dialogue and consultation, through tolerance and respect for all. It is essential that Rwanda in its turn moves towards dialogue and consultation.

Lastly, I solemnly call upon the international community to provide decisive support for the people of Rwanda:

Firstly, in order to demand that measures be adopted to put an end to the violence and to enable the refugees and displaced persons to return, to demand that sufficient humanitarian assistance be guaranteed for all, and to enable the peace negotiations finally to be concluded; and

Secondly, so that it may commit itself to providing effective assistance in the process of rebuilding Rwanda.

In my capacity as High Commissioner for Human Rights, I feel within me the anguish of all and make this appeal so that all of us may show our solidarity with the people of Rwanda.
