

* cf.

"Political background to the 1994 Rwandan crisis"
Expert report prepared at the request of the United Nations International Criminal Tribunal for Rwanda
Document II by A. Guichama avril 97. Annexe #
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Statement by the Government of Rwanda on the final report of the International Commission of Inquiry into Human Rights Violations in Rwanda since 1 October 1990 (Kigali, 7 April 1993)

1. As concerns the massacres and various attacks on persons and property, the Government recognizes and regrets that such violations of human rights took place in Kibilira in the North-West region of the Country (the case of Bagogwe, Bugesera) anywhere else in Rwanda where violence of an ethnic or political nature broke out. These sad events are due not only to the psychoses of war but also to the intolerance between members of certain political parties. It is therefore necessary to underscore that the Government of Rwanda has never had the intention of exterminating any ethnic group.

However, the responsibility of the Government of Rwanda is due to the failure of certain authorities who did not ensure the security of persons and property. The Government has recognized this responsibility and has made a commitment to take all appropriate measures against all authorities who failed in their duty to provide security to the population. Nonetheless, it should be mentioned that the evidence contained in the report drawn up by the International Commission of Inquiry is not enough to establish the criminal responsibility of the authorities mentioned in these violations of human rights. It is the duty of the Rwandan judiciary to continue these investigations.

2. As concerns violations of human rights by the armed forces, it should be recognized that within the Rwandan armed forces some undisciplined troops got out of hand, and thus committed acts of violence against the civilian population. Consequently, military men found guilty of looting, rape and murder have been arrested and investigations are continuing.

As for violations of human rights committed by the Rwandan Patriotic Front, the International Commission of Inquiry could not throw light on the whole issue. Indeed, the Commission spent only two hours in the area controlled by the Rwandan Patriotic Front and questioned only a few witnesses. Moreover, testimonies were collected in the presence of RPF soldiers.

3. Regarding displaced persons, the International Commission of Inquiry has not adequately drawn the attention of the international community to the dramatic situation faced by persons displaced as a result of war and whose number is at present estimated at one million. This considerable number of displaced persons is the outcome of violations of the cease-fire by the RPF on 3 February 1993. The hostilities caused by this violation were marked by various forms of attacks directed against the civilian population.

X 4. As regards the "death squad", it is true that many persons continue to be killed in our country under unexplained circumstances, giving the impression that there may be one or more criminal organizations responsible for these deaths. But the report of the International Commission of Inquiry makes an unacceptable confusion by creating the impression that these criminal acts

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perpetrated by the death squadrons are instigated by the Government. This issue must be clarified by the International Commission of Inquiry which affirms on the basis of testimony given by a single individual that the President of the Republic chaired a meeting of the "death squad" during which the massacres of Bagogwe are believed to have been decided on.

5. Concerning the Rwandese judicial system, it should be pointed out that it is experiencing enormous difficulties in its functioning as a result of inadequate human and material resources and the interference of political and administrative authorities. The assistance of the international community in this field will be desirable, for it is difficult to improve the human rights situation in a country where the judicial system does not function properly.

III. Conclusions

The President of the Republic and the Government of Rwanda deplore and condemn the human rights violations which have been committed in our country. Concerned about the respect of human rights and the promotion of a State where in the rule of law prevails, they pledge to take the following measures;

1. The President of the Republic and Government of Rwanda renew their commitment to guarantee the security of all Rwandans (whatever be their) ethnic or political belonging. All appropriate measures will taken to institute disciplinary and legal action against all public servants who will be found guilty of violations of human rights.
2. The President of the Republic and the Government reaffirm the commitment to ensure the respect of the independence of the judiciary. Furthermore, the Government undertakes to pursue its efforts intended to improve detention conditions and to ensure that detainees are no longer locked up in places not intended for that purpose, for example military barracks.
3. The Government undertakes to sensitize the population with a view to ensuring national reconciliation and respect for human rights.
4. The Government undertakes to punish individuals engaged in militia activities and to prosecute political organizations which support them.
5. The Government undertakes to reabsorb in the Public Service people who are not yet reabsorbed, whereas they lost their jobs for no reason.
6. The Government requests the competent judicial bodies to continue the investigations started by the International Commission of Inquiry so that the truth should be established regarding the mass graves whose existence was revealed by the Commission.
7. The Government has decided to set up a military provost to hasten the examination of case files

concerning soldiers.

8. The Government will immediately ratify the convention against torture and other relevant international legal instruments relating to human rights and will also lift reservations expressed on certain conventions in this area.

9. The President of the Republic and the Government undertake to respect all accords emanating from the Arusha peace negotiations.

10. The Government undertakes to continue the ongoing democratisation process and to set up a national human rights commission.

The Government of Rwanda requests the Rwandese Patriotic Front to :

1. Stop executions, causing bodily harm to persons, kidnapping civilians, and the destruction and looting of their property.
2. Stop all attacks against civilian targets such as camps for displaced persons, hospitals and schools.
3. Put an end to deportation and the use of civilians for military purposes.
4. Punish those responsible for the executions carried out by its troops.
5. Respect the cease-fire and protocol agreements signed with the Government of Rwanda.

The Government of Rwanda requests the International Community to:

1. Continue to encourage the parties concerned to pursue the Arusha peace negotiation process and to respect the commitments contained in the accords already signed.
2. Increase its assistance to the promotion of respect for human rights and the continuation of the democratisation process in Rwanda.
3. Mandate an international commission of inquiry, set up preferably under the auspices of the United Nations, to investigate all human rights violations committed by the Rwandese Patriotic Front (RPF). Such a commission should spend enough time in areas under the control of a RPF and should be authorised to talk to witnesses of its choice in the absence of the RPF troops. It should also carry out investigations in Uganda with a view to throwing light on the cases of deported persons and prisoners of war, as well as on concentration camps and forced labour which the RPF is believed to have instituted.
4. Help Rwanda in the training of judicial and legal officers and in the mobilisation of material means necessary for the strengthening of the Rwandese judicial system.
5. Help our country to improve detention, conditions.

Lastly, the Government of Rwanda requests the International Commission of Inquiry to furnish clarifications relating to the issue of death squadrons which it raised in its report and, if necessary, to carry out a thorough investigation of whether or not death squadrons exist in our Country.

Kigali, 7 April 1993

Major General Juvenal Habyarimana, President of the Republic.

Dr. Dismas Nsengiyaremye, Prime Minister.

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