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Letter from Alison Des Forges to David Rawson

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To David Rawson

From Alison Des Forges

Following is a memo that I sent to Greg Craig before Secretary Albright's trip to Rwanda in December 1997. I said essentially the same things in a memo to High Commissioner Robinson, so I see no need to send that as well.

I have deleted a section including names of a variety of people whom I recommended as possible interlocutors for the Secretary and for U.S. diplomats in general. If by any chance our Washington office sends you the complete memo (these things happen), please destroy the section with the names-I found to my great distress that my original memo ended up in the hands at least of Gahima (and perhaps others) and I fear that some of the persons suggested by me may have suffered from that mention.

Hope you enjoy meeting with Catherine. I find her a lively and well-informed observer--at least on the eastern side of the continent and I suppose she will be the same for your current beat.

Best,

Alison

U.S. POLICY IN RWANDA

Rwandans, as General Kagame makes clear with refreshing candor and feistiness, can and will determine the course of their own affairs. But Kagame and his circle very much want international recognition as "new leaders" and they need international aid to deal with an overwhelming number of problems. Hence they can be swayed by international actors, particularly by the U.S., clearly the most influential foreign actor on the scene.

The Present Situation

Despite the dynamic and confident optimism projected by Kagame, the present situation is not hopeful: the leadership is moving toward exclusion, not inclusion in the political process; the insurgency continues and is growing in political strength; the excessive use of force by the military goes unchecked; the process of justice moves with a slowness that cannot be explained solely by material difficulties; assassinations, disappearances, and numerous lesser abuses go uninvestigated and unpunished; respected civilian and military leaders have fled the country, and corruption flourishes among officials. As a result, the government and even the RPF itself are losing legitimacy, including among former Tutsi supporters.

When the new government was established in July 1994, it seemed to be a real coalition, multi-ethnic, multiparty, including both civilian and military leaders, and representing various points of view. Just over a year later, men representing the hard line, more dependent on force and less on law, took the ascendant and began excluding from government or marginalizing within the government both Hutu of real stature and moderate Tutsi, including at ministerial level: Twagiramungu, Sendashonga, Nkubito, Nkuliyingoma, Muregande, Kanyarengwe, Rugenera, Birara. At the same time, government soldiers (Rwandan Patriotic Army, RPA) carried out or permitted assassinations or disappearances of administrators at the level of prefect (governor), sub-prefect, and burgomaster and of judges and other judicial personnel. More recently, RPA soldiers have killed Captain Hategekimana and arrested Major Ngirabatware, important officers, re-integrated into the RPA from the former government army. In the last few days, government spokesmen, including President Bizimungu, have suggested that the elections foreseen in two years may not take place and that even the current structure of the national assembly is no longer appropriate.

Despite optimistic predictions by the government, the insurgency continues. The discovery of one insurgent base in the caves of the northwest was an important victory, but the entire northwest is honeycombed with caves and the forests of the region make ideal hiding places as well. Even more important than such logistical considerations are the political ones: the government does not have most of the people with it.

Sporadic efforts at winning popular backing are often undone by the excessive use of force by the RPA. When charged by foreigners with military attacks against civilians, General Kagame and other RPA officers have a set of standard excuses that they have used since 1994: that RPA were overwhelmed by grief and rage at the genocide, lost control of themselves; that they distinguished insurgents from noncombatants; that they fired in self-defense; that they were unintentionally in an exchange of fire with insurgents; or that the insurgents

themselves, not the RPA, killed the civilians. While foreigners often are—or at least appear to be—convinced by such excuses, those shot at know that the truth lies elsewhere: that soldiers regard them also as the enemy and care little, if at all, about protecting their lives.

The slow progress of the genocide trials, the result of political indecision as much as of material problems, has cost the government much legitimacy among Tutsi survivors of the genocide as well as among Hutu who are accused of the crime. Of the nearly 130,000 now imprisoned on charges of genocide, thousands have been falsely accused, either through error or as a way to acquire their property or to settle past disputes.

The failure to try the accused more promptly and the inhumane conditions of detention contribute to perceptions among Hutu that reprisals, not justice, is the objective of the judicial system. The longer prisoners are detained in such conditions, the more embittered they become and the more time they have to work out an organization among themselves. When released, whether by official action, by insurgent attack on the prisons, or by breaking out, they will offer an ideal pool from which to recruit armed opponents to the government. Insurgents will continue to target communal jails, and eventually central prisons. We have just received information that prisoners in at least one of the central prisons, encouraged by the insurgents' attacks on the communal jails, are putting aside the astonishing docility that has governed their behavior thus far and are beginning to talk about escape plans. With the prospect of being freed or freeing themselves by force, many who might otherwise have considered accepting plea bargains will no longer do so.

In scores of cases, RPA or civilians linked with them, have taken the lives or property of other Rwandans without suffering the least consequence. Soldiers and their associates from the start appropriated property of all kinds from those thought to be participants in the genocide or enemies of the government, a pattern they repeated during military operations in the Congo. With the growing flow of foreign assistance money to the government, some officials have enriched themselves with those funds. Jean Birara, a highly respected technocrat, was recently removed from his post as Minister of Plan and Finance in part because of a personal conflict with President Bizimungu, in part because he refused to condone this kind of corruption. The Kigali press, including journals close to the government, have publicly criticized these practices.

The blatant gap between rich military and civilian officials and the mass of the population undermines the legitimacy of the government, including among survivors of the genocide. It is particularly tragic to see Tutsi widows struggling to keep their children alive in conditions of desperate poverty while government servants go from one luxury to the next.

Disillusionment with the RPF is so grave that its backers in the diaspora, those who funded its 1990-1994 campaign, wrote a bitter protest in August, 1997 against the "intellectual bankruptcy," "moral decline," "unexplained accumulation of wealth," and "lack of accountability and arrogance" of the RPF leadership.

The Insurgents

With the elimination of the camps in Zaire and the shadow government housed in them, opponents of the current government in the diaspora have worked more vigorously to overcome their differences—many of them the result of different positions on the genocide—and to build a political structure for the insurgency. If such a structure encompasses men of standing, particularly those who had no apparent involvement in the genocide, it may win support among

considerable numbers of Rwandans at home and abroad.

In the first year or two of control, the government progressively eliminated judicial and administrative officials who were supposed not completely committed to the new regime, sometimes by murdering them, arresting them or causing them to disappear. In more recent months, the insurgents have been murdering those officials whom they see as supporters of the government. Attacked by both sides, moderates are excluded or exclude themselves from government service.

The insurgents are also increasingly resorting to attacks on civilians to enlist their support and to force them to act against the government. In the end, the ordinary people, terrorized by both sides, will have nowhere to go. In such a situation of generalized fear, they will be all the more vulnerable to hate propaganda and to calls for ethnic violence. Should these conditions continue, insurgent leaders will find growing numbers of ordinary people ready to resume the genocide.

A New U.S. Policy

A new U.S. policy on human rights and justice is necessary to help restrain the extremists and give renewed hope and courage to moderates in Rwanda.

Despite frequent profession of support for human rights and justice, the U.S. fails to act according to its ideals in one case after another: inaction in the face of a genocide; acquiescence in the former military's misuse of resources and protection meant for genuine refugees in the Congo camps; toleration of grave daily abuses--even of massacres--by the current Rwandan government both in Rwanda and in the Congo; silence before travesties of justice in both the civilian and military judicial systems; lack of support for efforts by international and local human rights and humanitarian workers to publicize human rights abuses.

Depending on the political view of the Rwandan observers, they will condemn some of these failings while ignoring the others, but all must conclude--whatever their ethnic group or political convictions--that in the domains of human rights and justice, the U.S. rarely means what it says.

To attempt to halt the slide into greater extremism and violence in Rwanda, the U.S. must insist that a primary policy objective is avoiding further massive killings of civilians and the consequent refugee flows in the region. It must consequently disapprove of any excessive and abusive military operations that would result in large numbers of civilian casualties, even when provoked by insurgent attacks. The U.S. must insist that the distinction between combatants and noncombatants, as established in international law, be observed and that officers and soldiers who violate the laws of war be prosecuted in trials with serious prosecutions and appropriate punishments. Such a stand can help set the parameters for a struggle which promises to become increasingly ruthless and bloody. By firmly establishing such limits, the U.S. may hope to put obstacles in the way of hard-liners and to give moderates some leverage in working against them from within the system.

The U.S. must also insist that the Rwandan government pursue political strategies to win increased acceptability among its citizens, including by protecting the lives and property of all equally. The U.S. must make clear that its conviction that military repression is neither a legitimate nor an effective basis for a stable government.

Only by adopting a firmer stand on human rights and justice can the U.S. expect any

substantial return on its financial investments in these areas. Money spent to make technical improvements in the justice system or to teach concepts of human rights and justice, whether to military officers, to judicial personnel, or to ordinary citizens, will yield few long-term results if the U.S. government discredits its own lessons by keeping silent on human rights abuses. Similarly funds invested in strengthening civil society will produce little unless the U.S. also invests its political capital to insist that non-governmental organizations be assured the space necessary to develop their positions, even if they criticize the government.

Implementing A New U.S. Policy

The U.S. should exploit the visit of the Secretary of State to make clear the new policy. Implementation involves three steps: public statement or statements, questions to Kagame and other Rwandan authorities, and contacts with Rwandans who are not part of the current power elite.

Kagame and other Rwandan leaders have always professed their commitment to justice and human rights. Occasionally they have acted on these professions, as in ensuring the safe return of the majority of refugees from abroad; in beginning trials for the genocide, albeit slowly and not always with necessary guarantees of due process; in improving prison conditions for children and, most recently, for former soldiers (ex-FAR) detained at Mulindi camp; in releasing children, elderly and infirm detainees; in tolerating the continued presence of foreign human rights monitors, both from the UN and from international human rights groups; in releasing detained human rights activists; and in improving its cooperation with the International Tribunal.

The government may have taken some positive actions as a result of pressures from within the country, but, in others, they were apparently responding to U.S. interventions. Rwandan leaders do care what U.S. leaders say about their performance. Immediately after the July hearings in the House where Representatives and witnesses strongly criticized the Rwandan government, the head of one of the intelligence services tried discreetly to arrange for a visit to Rwanda by former Senator Kassebaum, hoping that she could be persuaded to quiet criticism among Republicans in Congress. The effort demonstrated a misreading of the realities of American politics and failed, but it proves nonetheless that Rwandans listen when powerful Americans speak on human rights issues.

The Rwandan declarations about human rights and justice as well as the positive steps indicating some sensitivity on these issues give an opening for the U.S. to push for more progress in transforming rhetoric into reality.

The Questions

Discussions of human rights with Rwandan authorities have too often been limited to abstract principles without the reinforcement of concrete discussion of difficult cases. In addition, when cases are raised, they are apparently dropped after a brief period of concern. Thus Rwandans have found it effective to give much lip service to the ideals, to profess concern over cases raised and then to simply wait for foreign governments to forget the issue.

The Secretary of State would indicate a new firmness in policy by going beyond the rhetoric to ask detailed questions, indicating that she and her staff valued these issues enough to

become informed on the specifics.

Of course, the embassy and State department staff could supply such any number of such questions. The intention to follow through on such matters could best be shown by treating cases from some time in the past as well as those more current.

One area of inquiry should certainly be military abuses and military justice, including questions about:

- 1) the killings of civilians in recent military operations
- 2) the status of investigations about certain egregious cases of massacres in the past, up to and including that at Mahoko market in August
- 3) reasons for the obviously weak prosecution and inappropriately light punishment of officers brought to trial for the massacres at Kibeho in April 1995 (minimum 2,000 dead) and at Kanama in September 1995; reasons why there have been no further investigations or trials in these cases after those first accused were acquitted of all serious charges.
- 4) questions about reports that officers who were supposedly detained, including, for example, Col. Ibingira, charged in the Kibeho massacre, were not actually imprisoned; questions about where officers condemned to jail terms for massacres in Ruhengeri in March will serve their terms and if they can be visited by human rights investigators
- 5) status of investigations and projected trial date for the hundreds of former government soldiers (ex-FAR) now imprisoned on accusation of genocide
- 6) numbers of civilians now detained in military facilities, numbers of civilians tried by military courts, and results of such trials

Questions on other human rights issues could include the status of investigations into:

- 1) the attack that killed three Spanish and severely wounded one American staff of Doctors of the World (the American had to have his leg amputated)
- 2) the murder of five staff members of the UN Human Rights Field Operation
- 3) the assassinations of important government officials, for example, Prefect of Butare, Pierre-Claver Rwangabo, sub-prefect Placide Kolonyi, and the Vice-President of the Supreme Court
- 4) the disappearance of former judge and human rights activist Innocent Murengezi
- 5) the interrogation and/or detention of human rights activists Emmanuel Hitimana, Andre Sibomana, and Rosalie Mukarukaka and the search of the offices of the Association for the Defense of Human Rights and Public Liberties

An additional important question on political rights would be the significance of recent declarations of President Bizimungu and others indicating reservations about a commitment to elections and to continuing the present structure of the national assembly.

Contacts

As a matter of principle, the U.S. advocates dealing respectfully with members of the political opposition, persons of all ethnic groups, and members of civil society. But, in practice, important U.S. representatives too frequently limit their contacts to Tutsi and RPF members of government. The Secretary of State would convey a new direction in American policy simply by

insisting on seeing persons outside the narrow group that usually pre-empts foreign visitors. In addition, she and her staff would have the opportunity to acquire new and broader perspectives on the current situation.

A decision to adopt a firmer, more consistent policy on human rights and justice would be well launched by this plan of public declaration, astute questioning on concrete cases, and contacts with Rwandans outside the governing elite.

For the policy to have real impact, it would require persistent follow-through by embassy staff as well as coordinated, long-term action with other donor nations.