

**THE RWANDA COMMISSION
FOR HUMAN RIGHTS**

**ANNUAL
REPORT FOR
THE YEAR 2002**

March 2003

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FOREWORD

The 2002 report of the Rwanda Commission for Human Rights is the fourth since the inception of the Commission, in accordance with the law establishing it as revised to date. The Commission has the honour and pleasure to present this report to His Excellency the President of the Republic, the Parliament, the Government and the Supreme Court.

This report presents in a general way the activities of the Commission during the period comprised between 1 January and 31 December 2002. It includes activities relating to the protection and promotion of human rights, the development of the Commission, the general relationship between the Commission and other institutions, the utilisation of the Commission's funds, a general conclusion, perspectives for the year 2003 and finally, expression of some recommendations.

The activities presented in this report are an indication of the stage reached by the Commission with regard to the protection and promotion of human rights. The Commission has no doubt that the reader of the report, based on the Commission's achievements during the year 2002, will appreciate the zeal, the will and commitment that characterise the Commission in availing itself to those who seek its advice and increasing its accessibility to the people.

So as to establish a culture of respect for human rights, which is actually the basis of lasting democracy and development in Rwanda, the Commission would like to invite all institutions concerned by the issues presented in this report, to find permanent settlement of those issues. This will indeed help the nation to do away with the culture of impunity.

The Commission would like to thank the Government of Rwanda for its continued support. The Rwanda Commission for Human Rights also takes this opportunity to express gratitude for the co-operation that characterised the year 2002 between the Commission and different Rwandan organisations and associations, different countries which are friends of Rwanda, as well as international organisations. This co-operation has indeed been one of the factors that rendered the activities presented in this report possible.

KAYITESI ZAIÑABO Sylvie,

President of the Commission

I. INTRODUCTION.

This report includes the activities of the Commission for the period beginning 1 January through to 31 December. It concerns particularly those activities relating to the protection of human rights and the sensitisation of the people of Rwanda on these rights. With regard to the protection of human rights, during the year 2002 the Commission received a total of 537 cases of different types. Some of these cases have been settled while others are still being followed up. A considerable number of other cases could not be written in this annual report, but the Commission tried to help complainants either by giving them pieces of advice or orienting them to relevant authorities. Another type of cases which could not be written in this report are those that the Commission, after investigations, found they were not sound or were missing some elements which are necessary for a receivable complaint.

The report also presents activities concerning the development of the Commission and its relations with other institutions. It also shows the utilisation of funds allocated to the Commission by the Government and those received from benefactors. The report draws a conclusion, presents perspectives for the year 2003 and formulates recommendations to different institutions and various categories of individuals. In addition, the report shows changes and modifications that took place during the period between the end of 2002 and the time the report was going into print.

1.1. SOME EVENTS THAT CHARACTERISED RWANDA DURING THE YEAR 2002.

On 27 June 2002 in Kigali, there were demonstrations of associations of Genocide survivors, in opposition to the running of the Arusha based International Criminal Tribunal for Rwanda which did not respect the rights of Genocide witnesses. The demonstrations took place during the visit of the Tribunal's Chief Prosecutor, Carla Del PONTE and its Chief Clerk ADAMA DIENG.

On 9 July 2002, Rwanda took part in the Conference that declared the creation of the African Union, at Durban, South Africa. Rwanda was represented by His Excellency the President of the Republic, Paul KAGAME.

On 30 July 2002 in Pretoria, South Africa, an agreement was signed between the Government of Rwanda and the Democratic Republic of Congo regarding repatriation of Rwanda's army from Congo and the disarmament of *interahamwe* militia and ex-FAR fighters. On Rwanda's side, implementation of this agreement started on 17 September 2002 such that Rwanda's last soldier in the Democratic Republic of Congo left the country on 5 October 2002.

On 18 August 2002, Gacaca Jurisdictions were officially established. The first phase of their operation started with 80 cells in 12 sectors in the whole country. The Commission delegated representatives in all the sectors involved in these initial operations. The second phase was launched on 25 November 2002 and involved 673 jurisdictions in 103 sectors in

addition to those mentioned earlier. The Commission continually follows up the progress of these jurisdictions.

From 26 to 28 October 2002, there was held a National Conference on Unity and Reconciliation which brought together many Rwandans, including those living in Diaspora.

On 30 and 31 October 2002, the Rwanda Commission for Human Rights convened a consultative meeting on the Rwandan Human Rights Charter. Participants to this meeting included representatives from different Government institutions, Non Governmental Organisations and Associations, Women Organisations and Associations, Lawyers, Rwandans in the Diaspora and many others.

The ideas and discussions from this consultative meeting constituted the final proposal document forwarded to the Constitutional and Legal Commission for inclusion in their Draft Constitution then under preparation.

From 8 to 10 November, in the Parliament Hall, there was held a consultative meeting to discuss the Draft Constitution. Participants to this meeting included all categories of Rwandans, some of whom lived outside the country.

On 16 December 2002, the Cabinet meeting proposed to the Parliament 10 candidates from whom 7 would be selected to constitute the Rwanda Commission for Human Rights. The elections took place on 15 January 2003. The 6 Commissioners then in Office were re-elected whereas a new Commissioner, Mrs KAYITESI ZAINABO Sylvie was added. Eventually, she was elected President of the Commission.

1.2. EVENTS THAT CHARACTERISED THE COMMISSION DURING THE YEAR 2002.

Regarding aspects that characterised the Commission, on 10 December 2002, the Members of the Commission had an audience with the Prime Minister and discussed with him the Commission's concern in connection with certain clauses of the revised law establishing it. The Commissioners also expressed to the Prime Minister their wish to have some of the annual human rights festival celebrated at national level.

On 13 December 2002, the Commissioners got an audience with the Speaker of the National Assembly and they discussed the revised law establishing the Commission.

Besides, during the year 2002, the Commission received different visitors who included British Parliamentarians (14 October) and Parliamentarians from Somaliland. Their discussions concerned the running of the Rwanda Commission for Human Rights. The visit of the Somaliland Parliamentarians was intended to collect ideas that would help them create a Commission for Human Rights in that region.

During the year 2002, the Commissioners once again visited the Constitutional and Legal Commission and they discussed matters relating to the emphasis that should be placed on human rights in Rwandan laws.

On 31 December 2002, the law n° 04/99 of 12 March 1999 establishing the National Commission for Human Rights was revised and was published in the Government Gazette of 16 January 2003. The revised law assigned more duties to the Commission and gave it more powers to enable it carry out its task more smoothly. Regarding the structure of the Commission, the revised law created one more post, that of Vice President, which had not been provided for in the previous law.

1.3. MISSION AND POWERS OF THE COMMISSION.

1.3.1. Objectives and Powers.

In its revised form to date, article 3 of the law n° 04/99 of 12 March 1999 establishing the Commission provides that: *"in general, the Commission has an objective to investigate and follow up on human rights violations committed by anyone on the Rwandan territory, especially State organs as well as any organisation working in Rwanda"*.

Similarly, in accordance with article 3 of the law n° 37/2002 of 31 December 2002 modifying and complementing the law n° 04/99 of 12 March 1999 establishing the National Commission for Human Rights, the Commission is particularly responsible for:

- a) *sensitising and training all categories of Rwandan population as regards human rights ;*
- b) *giving upon its own initiative or upon request, its advice on bills relating to human rights ;*
- c) *sensitising the Government institutions as regards ratification of International Conventions relating to human rights and making sure they are integrated in internal laws;*
- d) *receiving and examining claims relating to human rights violations, either on its own initiative or upon request ;*
- e) *receiving and analysing testimonies on human rights violations ;*
- f) *getting to any place where human rights violation allegations are reported ;*
- g) *visiting prisons and checking whether the rights of detainees therein are secured ;*
- h) *providing the relevant authorities with suggestions as to actions which may be taken in order to stop and punish human rights violations in accordance with the law ;*

- i) requesting that any person committing human rights violation be prosecuted ;*
- j) collaborating with Human Rights Commissions in other countries, Associations operating in the country and International Organisations, as regards activities aiming at respecting and promoting human rights".*

In order to achieve all these objectives, the law endows the Commission with the following powers :

- a) to reach, question and request explanations from anybody likely to have evidence, information, some share of responsibility or technical competence likely to enlighten the Commission in examination and inquiry on human rights violations acts ;*
- b) to get to any place where human rights violations are reported, detention premises included ;*
- c) to get access to documents and check them from where they are kept or get their copies as well as any other evidence likely to help the Commission in the analysis and collecting of elements evidencing human rights violation ;*
- d) to request competent authorities to rehabilitate the victims in their rights, unconditionally ;*
- e) to carry out research on issues presenting a particular aspect with a view to promoting human rights and publish the findings.*

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II. MAIN ACTIVITIES OF THE COMMISSION DURING THE YEAR 2002.

2.1. PROJECTED ACTIVITIES FOR THE YEAR 2002.

2.1.1. Human Rights Protection.

- o Continuing to receive people's claims and cases relating to violation of their rights by any institution, organisation or individual working in Rwanda.
- o Polishing up the Commission's techniques of operation by making use of its rules and regulations regarding the manner of handling human rights issues. Indeed, as the people find the Commission more and more accessible to them and as they get to know it and its activities, the number of cases brought to the Commission is increasingly growing larger.
- o Implementing immediately article 24 of the law n° 27/2001 of 28 April 2001 relating to Rights and Protection of the Child against violence. The said article states: *"The National Commission for Human Rights must set up specifications on how to follow up the protection of the rights of the child"*. This means that, among other issues the Commission planned to give special consideration during the year 2002 were those relating to education rights and violation of rights of the child such as children rape or violation of orphans' rights to property.
- o Following up activities of Gacaca Jurisdictions in the context of protecting Rwanda people's rights and ensuring that these rights are respected. Since the right to impartial justice is one of the fundamental rights, the Commission decided to give its contribution in form of ideas and advice to different institutions responsible for the Gacaca Jurisdictions; on the basis of its findings as regards the activities of these jurisdictions.
- o Reviving some of the Commission's programmes, including large scale investigations on the situation of human rights in Rwanda, both in general and with respect to vulnerable groups such as women, children, and others. The programmes also included following up in court, cases of people for whom there is clear evidence of involvement in human rights violations, in accordance with article 4 of the law establishing the Commission.
- o Setting up a programme for close follow up of issues relating to any kind of discrimination, in accordance with the recommendations of the Third World Conference against Racism, Racial Discrimination, Xenophobia and related Intolerance, that was held in Durban.

2.1.2. Human Rights Promotion.

- o Extending further the programme of sensitisation of all categories of Rwandans on their and other peoples' rights, through conferences and lectures, its programme *"Uburenganzira iwacu"* broadcasted on Radio Rwanda, its Television programmes, as well as brochures, pamphlets and booklets on different kinds of human rights.

- o Collaborating with the Ministry of Education and other institutions or organisations involved in the preparation of text-books intended to include human rights in the curricula for secondary schools in Rwanda.
- o Carrying further programmes related to the teaching of human rights to specialised categories of people, including security institutions, local administrators as well as leaders of youth and women institutions.
- o Drafting the Rwandan Human Rights Charter.
- o Consulting with the Constitutional and Legal Commission, so as to see together how the said Charter could be incorporated in the Rwanda Draft Constitution.
- o Sensitising the Government of Rwanda as regards ratification of International as well as African Regional Conventions relating to the protection and promotion of human rights in areas where this has not yet been done.

2.1.3. Institutional Development of the Commission.

- o Taking further measures for increasing competence of the staff of the Commission in relation with the great task entrusted to the Commission in the law establishing it. These measures included: Placing more staff in the Provinces in order to make the Commission more accessible to the people, providing all staff with further training relevant to their duties, as well as more equipment, especially that which relates to Information and Communication Technology.

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2.2. MAIN ACHIEVEMENTS.

2.2.1. Human Rights Protection.

2.2.1.1. Civil and Political Rights.

Issues dealt with regarding civil and political rights violations fall into three categories:

The first part comprises cases followed-up by the Commission during the year 2001, but which were not settled such that follow up extended to the year 2002.

The second category comprises those cases the Commission started working on during the year 2002, whether completed or not in connection with: illegal arrests and detention, delayed or pending cases, disappearance of people, human rights violations by civil and military authorities, as well as violation of the rights of witnesses in the Gacaca Jurisdictions.

The third part presents findings of the Commission in certain cells and prisons during its visits.

A. ISSUES RAISED IN THE 2001 ANNUAL REPORT.

1. Arrest and Detention of MBANDA Jean.

In the 2000 and 2001 annual reports, the Rwanda Commission for Human Rights dealt sufficiently with this case showing that MBANDA Jean has been arbitrary arrested and illegally detained. The Rwanda Human Rights Commission followed up this case all along the year 2002. MBANDA Jean was released without trial on 9 January 2003.

MBANDA Jean was denied his right to trial within a reasonable period of time.

The remaining problem is that he has to report to the Public Prosecutor's Office every week without time limit, and he is subjected to endless surveillance. The Commission requests that the reporting be limited in time so that the right to free movement can be respected.

2. The case of KARANGANWA Emmanuel versus Ntongwe District.

As indicated in the Commission's report for the year 2001, KARANGANWA Emmanuel accused the Ntongwe District together with its former Mayor, NTAGANIRA Wellars, of having occupied his house without authorisation and using it for training the Local Defence Forces thus damaging the house very seriously. KARANGANWA lodged his complaint to the Gitarama Court of First Instance, under n° 1396/2/98 but his case kept on being postponed. By the end of 2002, this case was still pending. The latest date the case was scheduled for trial was 3rd January 2002; but on the fixed date, the case was again postponed.

The Commission thinks that the case of KARANGANWA and Ntongwe District has been sufficiently postponed. It is for this reason that it requests Gitarama Court of First Instance to hurry up in dealing with this case so that the deserving party may be reinstated in his rights.

3. The Case of MUGENGA Joseph and his Colleagues.

As the Commission raised it in the 2002 report, the case of MUGENGA Joseph, NDEKEZI Télésphore and REBERO John was dealt with at length, especially with regard to the way he was illegally arrested and detained, as well as the disrespect for legal procedures concerning criminal cases. They were accused of misappropriation of money from ELECTROGAZ, to forge and use false documents together with unfair attribution of Government tenders.

The case of MUGENGA and his colleagues was finally heard. The ruling was made on 7 February 2003 and all the accused were acquitted and were released. The Prosecution and ELECTROGAZ immediately lodged an appeal.

The Commission requests the courts to deal with this case without delay in order to reveal the truth and reinstate the victims in their rights.

The Commission is determined to follow up this case.

B. CASES FOLLOWED UP DURING THE YEAR 2002.

a. Detention of innocent people.

- **The Arrest and Detention of HARELIMANA Claudien.**

In his letter of 18 March 2002, HARELIMANA Claudien requested the Commission to help him have his rights restored, for his detention was illegal.

HARELIMANA Claudien, son of KABANGO and NYIRADADALI, resident of Gisozi Sector, in Gisozi District, was arrested on charges of raping a little girl aged 11. On 23 February 2001 the girl who was reportedly going round looking for a job came to HARELIMANA's house requesting a place where to spend the night, and he sent her to sleep with his children. The following day, one MUKESHIMANA Emmanuel and another, KARANGWA Fils, in the company of "Local Defence Forces" attacked the home of HARELIMANA Claudien and beat him seriously alleging that he had raped the child the previous night. They dragged him immediately to the Remera Police Station and had him detained there. Later on, the Prosecutor's Office granted him provisional release.

On 11 March 2002, the Public Prosecution re-arrested him and registered his case under n° RMP/4391/S14 and forwarded it to the Kigali Court of First Instance which in turn gave it the registration n° RP 40259/Kig. The Commission visited HARELIMANA Claudien in the cell and they discussed his arrest and detention. The Commission also talked with the Prosecutor

handling this case. He said he had released him temporarily and that the rest was not his concern. The Chief Prosecutor on his part says the case is already at the level of the court and his Office can do nothing about it. The Commission followed up further this case and asked that it be set for trial. The trial finally took place on 28 May 2002. Judgement was passed on 17 July 2002 acquitting HARELIMANA of the crime and he was released.

The Commission denounces those people who beat HARELIMANA and requests the police to do further investigation into their harsh and cruel acts against him.

- **The Arrest and Detention of NSHOGOZA Enosi.**

NSHOGOZA Enosi is a domestic worker at the residence of NKIRAMACUMU Dominiko, a resident of the Cell of Rukiri One, Remera Sector in Kacyiru District. The case of his arrest and detention was reported to the Commission by his employer NKIRAMACUMU Dominiko on 21 April 2002. According to him, two women came to his house in the company of people who claimed to be soldiers. They were looking for NSHOGOZA Enosi who allegedly had raped a four-year old child who was then on the back of one of the women.

The owner of the house told them that NSHOGOZA should be arrested by concerned authorities. They then went to call the Police from Remera Police Station. The Police then arrested NSHOGOZA and kept him in Remera Police Station. The Commission followed up this case and learnt that a doctor had been examining the child but the results were not yet out.

When the results came out, it was established that the child had not been raped. NSHOGOZA was released on 4 June 2002.

- **The Arrest and Detention of UWAMAHORO Aimable.**

MUREKATETE Marigarita is the wife of UWAMAHORO Aimable, a resident of the Rukomo Cell, in Rukomo Sector, Muvumba District in Umutara Province. She wrote on 22 January 2002 requesting the Commission to help her restore the rights of her husband who was kept in custody in Ntsinda Prison.

According to MUREKATETE Marigarita, UWAMAHORO Aimable was arrested on 25 December 2001, charged with rape of BAJENEZA Clémentine aged 14 and child of their neighbour named SIKUBWABO Filipo. UWAMAHORO Aimable is said to have at first been arrested on 14 August 2001 by the investigation authorities at the Muvumba District and he was released on 14 September 2001.

On his release, UWAMAHORO Aimable found that he had been dismissed from his employment as a nurse in Rukomo, his home area. He thus went away looking for employment and he found one in Kigali at the "Clinique IHUMURE" in Kimisagara. UWAMAHORO was re-arrested later in Rukomo when he went to visit his wife and children.

In addition, MUREKATETE Marigarita says that this same crime is imputed to two people on different dates: her husband on 8 June 2001 and BEMERIKI on 10 June 2001. Besides, until August when UWAMAHORO was arrested no medical test had been conducted.

On 14 August 2002, the Commission visited the Prosecutor's Office at Nyagatare where it found documents on UWAMAHORO's case charging him with child rape.

On that same day, the Commission visited also the Police Station of Muvumba District where UWAMAHORO had spent one month in custody, and found no written document to that effect. The Commission then proceeded on to Nyagatare Police Station and there was no document either.

On 14 February 2002 the Commission went to Ntsinda where UWAMAHORO Aimable was then kept in custody, and when asked about the nature of his case, he answered that his arrest was unjustifiable and that O.P.J. HABINEZA Innocent who had released him at Muvumba was in a better position to give explanation.

On 25 February 2002, the Commission met O.P.J HABINEZA Innocent at Rwamagana where he had been transferred. At first he refused to make any comment saying that he had been to prison because of this case and that even his transfer was a kind of punishment in connection with the matter. Finally HABINEZA told the Commission that initially, the charge of raping the child in question faced BEMERIKI Hassan who was arrested and detained. Evidences of his crime were compiled into a dossier which was handed on to the Prosecutor's Office. Later on, BEMERIKI escaped from prison but the National Police Prosecutor in Umutara Province (P.J.P.O), MATURO René had taken his picture. When the child's father learnt about BEMERIKI's escape, he went to the Police Station for inquiry. What is surprising however, is that after this, SIKUBWABO Filipo and his daughter BAJENEZA charged UWAMAHORO Aimable with the same crime as BEMERIKI, but the dates of the crime being different.

The Commission once more visited the Prosecutor's Office and found that the Case n° RMP 120.246/S1/MS/HL had been forwarded to court where it was registered under n° RP 193/R2/MTR.

The Commission visited the Umutara Court of First Instance to follow up this issue and found there TABARO Jean Marie Vianney, the President of the Court. They discussed the matter with a view to speed up trial on this case.

The case was scheduled for trial on 16 May 2002 but, for the sixth time and for different reasons it was postponed. The trial finally took place on 2 December 2002 and UWAMAHORO was acquitted of the crime.

Regarding the crime of raping BAJENEZA Clémentine, the real culprit was found to be BEMERIKI Hassan for he was caught red-handed. The other grounds for this decision were that BAJENEZA Clémentine had never made mention of UWAMAHORO Aimable at the beginning of this case and that the dates of the crime were contradictory.

Based on articles 318 and 360 in the Collection Book of Criminal Laws, UWAMAHORO Aimable was acquitted of the crime, BEMERIKI Hassan was sentenced to ten years imprisonment.

Starting from these three cases mentioned above, the Commission finds it quite necessary to avoid and punish child rape. Still, relevant authorities should do further investigations because some people take it as a pretext and tell lies about others so that they get imprisoned. This affects the self-esteem of the accused even when he is acquitted in the end.

The Commission is thankful to the relevant authorities for the effort done in finding the truth in order to reinstate people in their rights and the way culprits are seriously punished for that kind of crime.

The Commission requests with insistence that people who get others unjustly imprisoned be brought to justice once it is proved that they have misled the courts so as to reinstate those who are innocent in their rights and eradicate the bad habit of “munyumvishirize”- make him suffer for me.

The Commission also requests judges and medical authorities to accelerate analysis of signs related to child rape in particular, and rape of small girls and women in general.

b. Arbitrary arrests and illegal detentions.

1. Arrest and detention of former BACAR employees.

The case of former BACAR employees who had been imprisoned, namely MUPENDA Sylvestre, NIYITEGEKA Jean Chrisostome, MANIRAGUHA Jean de Dieu, KARANGWA Kizito and MUNYANKINDI Innocent reached the Commission on 4 December 2001, brought in by Maître KAZUNGU Jean-Bosco, their Advocate. The same case involves KAJEGUHAKWA Valens, KAJEGUHAKWA Christian, KAJEGUHAKWA Serge, NDAYISABYE Eustache, TWAGIRAYEZU Jean de Dieu and HARELIMANA Faustin who are free. All of them are charged with dishonesty, forging and using forged documents.

The said BACAR employees were arrested on 1 August 2001 and their case was registered under n° RMP. 409/GG/RE/PROGECA. They were charged with fraud and illegal appropriation of money belonging to individuals, companies and even Government, all banked with BACAR. Initially, the case was handled by the Chief Prosecutor's Office in the Supreme Court for the accused included the President of the Kigali Court of Appeal.

On 21 September 2001, the said BACAR employees were taken into custody by the jury of the Court of Cassation and they were detained for 30 days. The detention was extended for another 30 days, on 22 October 2001. The employees later lodged an appeal against the warrants of their detention and, at an assembly of all its departments, the Supreme Court heard the proceedings of the case on 21 November 2001. On 23 November, the decision was taken to release the accused temporarily.

The Prosecutor's Office in the Supreme Court, however, delayed implementation of this decision and it was not until 11 December 2001 that their release was officially signed.

Immediately after they came out, they were re-arrested by the Public Prosecutor's Office of Kigali and were detained in separate premises; their case was registered under n° RMP 6276/S14/GS/KT. The Prosecution said that they were arrested on new charges.

On 14 December 2001, they were brought before the jury at the Kigali Court of First Instance where it was decided to detain them temporarily .

They appealed to the Kigali Court of Appeal against this decision, under numbers RMPA 1/5223/Prog, RMPA 6276/S14; RPA 9163/Kig. The hearing of the appeal took place on 17 February 2002. The Chief Prosecutor's Office in the Kigali Court of Appeal disapproved of the handling of the case by this Court, alleging that the judgement would not be fair as the Court's President had been implicated in this case together with the accused, but unlike the others, his part had never been probed into .

The Court of Appeal thus disapproved, it forwarded the case to the Court of Cassation which received it under registration n° RPP 0208 but up to the time this report was under print the case had not been presented to court for trial.

The Commission held discussions with the accused and they narrated the nature of their case as explained above. The Commission also found that one of them by the name of NIYITEGEKA Jean Chrisostome had been seriously injured after an accident and was a patient of the Liège University Hospital in Belgium, as evidenced in a document from the doctor who had recommended his transfer as well as that of his current doctor at the Liège University Hospital. The patient explained that he was required to report annually to that hospital. He has been requesting to go for treatment but till today he has not been authorised to; he has been treated in Kigali Central Hospital.

The Commission also approached the Chief Prosecutor in the Kigali Court of Appeal and discussed with him this case. He told the Commission that he was worried the Kigali Court of Appeal would not be fair in handling this case because its former head is among the accused alongside MUPENDA Sylvestre and the others.

The Commission finds that the re-arrest of the accused amounts to disregard of the Supreme Court's decision to release them temporarily and this is against the law, especially as the Kigali Public Prosecutor's Office apparently shows no new charge.

Delaying the trial of this case does not encourage revelation of the truth, be it for those who are detained or those who lodged their money in BACAR, this having as a consequence that even the accused hasn't yet been reinstated in his rights.

2. The Arrest and Detention of Supreme Court Judges.

Having learnt about the case of Supreme Court Judges who had been charged with forging and using forged documents in connection with a case of which they pronounced judgement, the Rwanda Commission for Human Rights took up to follow up this issue. The Commission found out that Judges KABENGA Eustache, MUDENGE Jacques and ZITONI Pierre Claver were arrested on 22 January 2002 and were detained. They were released two days later and were asked not to go outside the country and to report every Friday to the Prosecutor's office in the Supreme court.

The Commission was informed that before they were released, the Prosecutor's office in the Supreme Court forced them to resign from their work, and that some of them have done it on their own.

The other Judges of the Court, namely GASATSI Emmanuel, MAFARANGA Anastase and NZAMUKWEREKA Vénant were also arrested on 28 February 2002 and were detained charged with forging documents. They were released on 4 March 2002 after being forced to resign from their work. Two of them (MAFARANGA and NZAMUKWEREKA) agreed, whereas GASATSI Emmanuel refused it.

The Commission met with NZAMUKWEREKA Venant and MAFARANGA Anastase in the Prosecutor's office in the Supreme Court and informed it that they were forced to resign from their work verbally and that they have agreed.

The root cause of the case of KABENGA Eustache, MUDENGE Jacques and ZITONI Pierre Claver was an issue between "Etablissements RAMNIK" and the Commercial Bank of Rwanda (B.C.R) for which the said judges had pronounced judgement on 21 October 2002. The case had been brought to the Court of Cassation by Etablissements RAMNIK on 10 June 1999, claiming the Cassation of the decision taken by the Nyabisindu Court of Appeal on 2 June 1999 regarding Case n° RCA 8896/132. He alleged that according to the Court's decision, the question of the powers of Etablissements RAMNIK had not been dealt with.

In its decision, the Court of Cassation rejected the claim of Etablissements RAMNIK on the grounds that the plaintiff, namely Etablissements RAMNIK, did not indicate the head office or address of the accused. Nor did he show any documents indicating grounds for his claim of cassation or present copies of such documents, in accordance with the provisions of the law. The Court of Cassation also rejected B.C.R's complaint regarding the powers of Etablissements RAMNIK to complain to courts, for this issue had been dealt with in case n° RCA 8319/131 of 15 January 1999, decided upon by the Nyabisindu Court of Appeal.

What actually raised the problem in this matter, was that the Chief Prosecutor's Office in the Supreme Court, together with B.C.R alleged that what is said in connection with B.C.R's claim and the decision taken thereupon, are an addition brought in by Judges KABENGA Eustache, MUDENGE Jacques and ZITONI Pierre Claver after judgement had been passed with the participation of the lawyer of Etablissements RAMNIK. This allegedly suggests that they forged documents.

The root cause of the issue of judges MAFARANGA Anastase, NZAMUKWEREKA Venant and GASATSI Emmanuel was the case of MUSOLINI Gerard and MPUNGA Charles. This case had been concluded with the court giving to MUSOLINI Gerard the right over about 40,000,000 Rwandan Francs. The problem rose towards the end of the case when it appeared necessary to freeze the money on MPUNGA's account at the Commercial Bank for Industrial Development (B.C.D.I).

At that time, B.C.D.I refused to release the money saying that MPUNGA Charles had no money at their bank and that instead the figure seen there represented MPUNGA's debt owed to the bank.

Then a case rose between BCDI and the people collectively considered as the next of kin of MUSOLINI Gerard (who had died in the meantime). The Kigali Court of First Instance decided that BCDI lost the case and instructed that there should be a temporary execution of the judgement order.

The Kigali Court of Appeal later suspended the case temporarily but MUSOLINI's next of kin claimed the cassation of the case saying that the trial by the Court of Appeal was conducted in the absence of the next of kin, for they had received no official summons.

Judges MAFARANGA Anastase, NZAMUKWEREKA Venant and GASATSI Emmanuel revised the case and they declared the decision of the Kigali Court of Appeal null and void, on the grounds that it had tried in absentia someone whom it had not summoned to appear before the court.

Thus the judges read out the judgement, put it in writing and signed the document.

The Chief Prosecutor's Office in the Supreme Court however, said that the contents of the written document did not correspond to what had been read to them. In the reading, it had been said that the case was being forwarded to another Court of Appeal. The said judges were arrested and put into custody on charges of forgery of documents.

In following up this case, the Commission, on 26 March 2002, wrote the letter n° CNDH/101/02 to the Minister of Justice and Institutional Relations expressing to him its concern about the treatment of the judges in question. The Commission also wanted to know how far investigations had gone, and what was the progress with regard to the judges' reporting regularly and denial of their right to travel outside the country. Up to the time of this report the Commission has received no reply.

On the other hand, on 26 March 2002, the Commission wrote a letter n° CNDH/102/02 addressed to the Supreme Court President, expressing concern about many judges leaving their job. The Commission wondered whether this was done in accordance with the provisions of the law governing judges in their profession and whether there was actually imposed resignation applied to some, or all of these judges. In his letter N° 136/PCS/2002 of 19 April 2002, the Supreme Court President replied saying that the said judges "resigned on their own".

He added that “not having been able to meet those judges and to see documents comprising penalties imposed on them was not easy to affirm that they resigned on their own or by accepting the suggested idea”.

What the Commission has remarked is that :

- All those people who are detained without respect of the law governing arrests and detentions are supposed to have committed the above mentioned crime.
- Those judges who resigned from their work in writing were immediately released except GASATSI who was released without resignation.

The Commission is of the view that this had bad consequences in the domain of justice of Rwanda :

1. If those judges were really guilty, they should have been tried instead of simply resigning and forget about the case since this is a way of encouraging the culture of impunity.
2. The issue had very bad consequences on the Court of Cassation which couldn't work properly due to lack of enough judges; besides, people who were waiting for services from that Court couldn't be reinstated in their rights in due time.

The Commission reminds the prosecution and the courts that delaying trials and not respecting the law governing arrests and detentions impedes the right of suspected people and even that of others who have interest in a case. Another thing is that to detain someone and then release him without trial causes him to be considered as wronged even when is really guilty.

3. The Arrest and Detention of IHORIHOZE Pascal.

IHORIHOZE Pascal is a resident of Gakirage Cell, Gakirage Sector, Kahi District in Umutara Province.

IHORIHOZE Pascal bought a car Toyota Hilux, Plate n° RR3841A from MUGISHA John who lives in Nyagatare Town, at the price of five hundred thousand Rwandan Francs (500,000 RWF). There remained one hundred and ten thousand Rwandan Francs (110,000 RWF) which it was agreed would be paid after the seller has handed to the buyer all documents pertaining to the car. These included a trading licence, a car card and the car's insurance documents.

MUGISHA John did not produce the documents as agreed and in turn IHORIHOZE did not pay the remaining sum of money. Later, MUGISHA caused the car to be retained at the Nyagatare Police Station since 28 December 2002. IHORIHOZE lodged in his complaint to the Umutara Court of First Instance.

The trial took place and the Court declared MUGISHA John guilty on 22 March 2002. He was ordered to give back the car and to pay for all the days it had been retained by the Police, together with other compensations relating to this case. Instead of respecting the decision of the court, MUGISHA John went to complain to the Nyagatare Police Station against IHORIHOZE Pascal. IHORIHOZE was arrested and detained on 5 April 2002. He was released on the following day with the order to pay the 110,000 Rwandan Francs and to report regularly to the Police.

When the Commission received copy of IHORIHOZE's letter addressed to the President of the Republic, it went to the Umutara Court of First Instance and found that what IHORIHOZE had written was true.

In his letter n° 062/02/TPI/MTR of 18 April 2002, the Bailiff of the Umutara Primary Court had asked the Nyagatare Police Station Commander, RUTABINGWA Michel not to act against the decision of the court and to restore the car to IHORIHOZE immediately.

The Commission contacted the Nyagatare Police Station Commander, RUTABINGWA Michel, and he said he was going to give back to IHORIHOZE his car without delay. It is on 22 March 2002 that IHORIHOZE got back his car.

It is clear that the arrest and detention of IHORIHOZE did not respect the legal proceedings of arrests and detentions and that Umutara Police Station Commander acted strongly against the decision of the court .

4. The Arrest and Detention of BAZIMAZIKI Viateur.

BAZIMAZIKI Viateur is a resident of Kabuye Cell, Rwintare Sector, Bukunzi District in Cyangugu Province.

The case of BAZIMAZIKI Viateur was reported to the Commission on 21 June 2002 by his brother UTERUMURAMYE Emmanuel. The brother said that BAZIMAZIKI had been arrested on 4 May 2002 by the Bukunzi Investigation authorities represented by O.P.J RUTAYISIRE Faustin, with charges of minor theft.

When the Commission found that BAZIMAZIKI Viateur had already spent a month in the Bukunzi District Cell without sending him to the Prosecution, it asked the Cyangugu Public Prosecutor's Office to release him.

On 4 June 2002, BAZIMAZIKI Viateur was handed over to the Prosecutor's Office and was immediately put into the Cyangugu Main Prison. He was released temporarily on 19 December 2002, following the decision of the Cyangugu Court of First Instance jury that seated on 17 December 2002. BAZIMAZIKI would be tried, free from prison.

At the time of preparing this report, the Commission learnt that BAZIMAZIKI was still waiting for his trial.

The Commission condemns the detention of BAZIMAZIKI Viateur which has taken long before the accused is brought before the court.

5. The Arrest and Detention of NTAKIRUTIMANA Anicet.

NTAKIRUTIMANA Anicet resides in Kabuninda Cell, Bushenge Sector, Impala District in Cyangugu Province.

NTAKIRUTIMANA Anicet's case was reported to the Commission through a document written by his mother NYIRANGIRABAKUNZI Azera, on 21 November 2002.

NTAKIRUTIMANA Anicet was arrested on 15 November 2002 and was detained at Gisuma, in Impala District charged with a debt of twenty four thousand Rwandan Francs (24,000 RWF) he owed to one NGENDAHIMANA Zakayo, and which he accepted he would pay.

The Commission approached the Investigation Officer handling this case and explained him that the arrest and remand of NTAKIRUTIMANA Anicet was contrary to the law, for it disregarded the principles of "Not being imprisoned for failing to keep a promise", and no provision is made in the Rwanda Criminal Law with regard to that event.

The Commission wanted justice to be done to NTAKIRUTIMANA Anicet and he was released on 25 November 2002.

The Commission is happy that at least for this case, respect was given to the law stating that a person should not be imprisoned for not respecting terms of reference of a contract which falls under the law governing civil rights.

6. The Arrest and Detention of NSABIMANA Denys.

NYIRAKIDEDERI of Kiryi Cell, Mubona Sector in Ruhengeri Town reported his case verbally to the Commission on 6 December 2002.

NSABIMANA Denys, son of NYIRAKIDEDERI has been in Ruhengeri Prison for five years and six months now on charges of theft. NSABIMANA Denys is reported to have broken a window of BAZIMAZIKI Bernardin's house wanting to steal a piece of sheeting. He had also at one time stolen beans from neighbours.

On 9 December 2002, the Commission visited NSABIMANA Denys in prison. He said that he had broken the window pane of a house of his neighbour BAZIMAZIKI Bernardin, and that it was due to his state of drunkenness at that moment. He added that recently, in 1999, he had been to court faced with Case n° RMP 39823/S4/NJB.

On the same day, the Commission approached MAZIMPAKA Marc, the Prosecution Officer handling NSABIMANA's case and they discussed his detention which has taken long without the accused appearing before the court. MAZIMPAKA Marc promised that on 13 December 2002 he would write to initiate his release.

On 17 December, the Commission went back to see whether MAZIMPAKA's statement had been translated into action but he referred the Commission to the Public Prosecutor for the case had been forwarded to him. The Commission talked with the Public Prosecutor on telephone and he said that NSABIMANA Denys was going to be released.

By the end of 2002 nothing had been done towards the release of NSABIMANA Denys, because when the Commission returned again to see the Public Prosecutor on 31 December 2002, he once again promised that he was going to prepare the document leading to his release.

At the time of writing this report, the Commission learnt that NSABIMANA Denys was at last released after five years and six months in prison.

In the view of the Commission, NSABIMANA Denys was kept in custody for quite a long time without trial such that it is clear that the judicial authorities mentioned in this case played a role in violating NSABIMANA's right to be tried or detained within the time provided by the law.

7. The Case of MUREMYANGANGO Tito.

MUREMYANGANGO Tito is a civilian from Butare Province jailed in Military Prison at Murindi in Kanombe District, Kigali Town. His case was brought to the Commission by his brother KARASIRA Jean-Damascène on 20 December 2001.

KARASIRA Jean-Damascène told the Commission that from 19 January 2001, MUREMYANGANGO Tito was jailed in Military Police Prison in Kanombe and was worried that he could not be visited where he was jailed.

On 21 January 2002, the Commission went to Military Police and talked to MUREMYANGANGO Tito who informed it that he was jailed because he was among the group of armed robbers, yet the soldiers in that group are in Murindi Prison in Kanombe District.

The Commission asked the Military Police to jail MUREMYANGANGO Tito with others and that he be given a permission to be visited. This was accepted and he was taken where other armed robbers were. That was on 22 January.

The Commission finds it unfair that MUREMYANGANGO Tito spent more than one year in Military Prison without being visited, requesting to be jailed in a legally recognised prison. The Commission also requests that MUREMYANGANGO Tito be taken to court of law so that his case is settled there without delay.

8. The Detention of MUTEBUTSI Justin.

MUTEBUTSI Justin comes from Ruhengeri Province, Nyarutovu District, Gihinga Sector, Rugendabari Cell. His case was brought to the Commission by his father, SEBANYANA Hesroni who wrote on 28 February 2002 requesting the Commission to restore the human rights of his son who is detained in Murindi Military Prison in Kanombe. MUTEBUTSI was detained on 5 June 2001 accused of stealing a Military Walky Talky belonging to Sergeant-Major BIGOGA Emmanuel. MUTEBUTSI had spent one year in prison without appearing before the court of law.

On 26 April 2002, the Commission visited MUTEBUTSI who told it that he was accused unfairly. The same day, the Commission talked to the person in charge of receiving complaints in Military Prosecution that the investigations on MUTEBUTSI case are still continuing and that in a few days' time, he will appear before the court of law. MUTEBUTSI never appeared before the court, but was released on 7 August 2002.

The Commission finds that the 13 months detention of MUTEBUTSI Justin operated without arrest warrant and appearing before the court until his release without trial did not respect his right of being informed on the crime committed and to be presented arrest warrant and tried in a reasonable period of time.

The Commission also fails to understand how MUTEBUTSI, a civilian, could be detained in a military prison without even having shared the claimed offence with a soldier.

C. Delayed and suspended Cases.

1. The Claim of NSEKANABO Fortunata.

NSEKANABO Fortunata who lives in Ngenda District, Rutonde Sector, Rubirizi Cell, wrote to the Commission on 15 January 2002 requesting it to help her get the sum of 13,500 Francs which the Ngenda Court of First Instance decided was her due, on 17 February 2002, in Case n° 353/2000/NG but which she was not given.

On 18 February 2002, the Commission saw the District Mayor on the matter. The Mayor said he had tried to enable NSEKANABO to have her dues but he found that doing this involved confiscating a piece of land and that he did not have the powers to do so. That is the reason why the Ngenda District Mayor had written to Nyamata Court of First Instance on 5 February 2001 requesting that a bailiff of the court authorised to confiscate fixed assets should go and settle the matter.

The Commission also met the workers of the said Court and they explained that the reason for the continued slowness of NSEKANABO's case is that he does not pay money for fuel so that the Bailiff could settle the matter.

Though the Commission does not underrate the poverty of the courts, this does not mean that a person, especially like NSEKANABO who is aged, should continue going to and fro to have their cases settled.

The Commission thinks that the Ministry of Justice and Institutional Relations together with the Supreme Court should try to find means for the courts so as to enable them carry out smoothly their duty of settling cases.

At the time of writing this report, the Commission learnt that the victim was paid her dues.

2. The Claim of BIRUHIJE Jean.

BIRUHIJE Jean reported his claim to the Commission on 19 November 2001, requesting it to help him get access to the property which the court had declared as his right in the Case n° RC 321861/2000. BIRUHIJE Jean is the son of GAHINDE and KAMUYUMBO who live at Gatunda, in Muvumba District, Umutara Province.

In 1994, BIRUHIJE Jean fled to Uganda with a woman not legally married to him, MUKARUGWIZA Venansiya. When the Genocide was over, BIRUHIJE Jean sent the woman to follow up their property. Once in Rwanda, the woman went to Kigali Court of First Instance which, in the Case n° RC. 24.591/96, gave her documents certifying that she was the legal wife of BIRUHIJE Jean, that BIRUHIJE Jean was no longer alive and that she should be given her property to enable her cater for the children she had had with him (There were no such children).

When he returned to Rwanda, BIRUHIJE Jean lodged complaint against the woman, in the Case n° RC.32.186/2000. He requested that the Case n° RC.24.591/96, which had certified that BIRUHIJE Jean was dead and that he had had children with MUKARUGWIZA Venansiya, be declared null and void. The Court decision came in his favour. The Court ordered the woman to give back to BIRUHIJE Jean all the property the Court had given her, comprising 4 houses in Rukomo, Muvumba District in Umutara Province; 4 pieces of land in Muvumba District, together with some money in BRALIRWA, B.C.R and C.E.R.

The Commission discussed the issue with BIRUHIJE Jean and he said he had not been given the property in question. He added that there was some other property he was disputing with the woman but that she had sold it without his knowledge.

The Commission advised him to lodge another complaint against those who bought the property, knowing well that it did not belong to the seller. The Commission again put him in contact with the Bailiff of the Kigali Court of First Instance, so that he may help him receive, by Government authority, the property declared by the court to be his.

The Commission thinks that authorities who testified that BIRUHIJE Jean was dead or those who testified that he had children with MUKARUGWIZA Venansiya after legal marriage both did wrong and should be brought to justice for being at the origin of the victim's human rights violation.

3. The Claim of NGENDAHIMANA Déo.

NGENDAHIMANA Déo is the son of BAHAMA and KANGENDANYI, living in Ruhama Cell, Kabarondo District, in Kibungo Province. He wrote to the Commission on 29 November 2001 asking for assistance because, for no reason, the Rwisirabo Commune authorities had sacked him from his job of Secretary of the Commune. This had also been confirmed by the Kibungo Court of First Instance in the Case n° RC 0510/R2/99/KGO, whereby the decision was made on 17 May 2001. The current Rukara District to which now belongs Rwisirabo, refused to pay the compensation of 317,200 RWF ordered by the said Court. The Rukara District has never appealed and its Mayor is the former Bourgmester of Rwisirabo, the very man who had sacked him.

On 12 March 2002, the Commission visited the Headquarters of the District and discussed with the Mayor. The Mayor told the Commission that in February 2002 there was held a meeting at Rukara chaired by the Minister of Local Administration and Social Welfare, who asked the District to pay NGENDAHIMANA Déo in 2 or 3 instalments. The Mayor said that the District would not manage to raise this money due to its little means, and he added that NGENDAHIMANA Déo was going round criticising him behind his back to debase his reputation.

The Commission told the Mayor that the personal differences between him and NGENDAHIMANA Déo should not make him prevent the District to end up the case in accordance with the Court's decision. The Mayor accepted on the spot that the District was going to give NGENDAHIMANA Déo a first instalment of 50,000 RWF and the rest would be given later.

At the time of writing this report, the Commission had no information whether NGENDAHIMANA Déo was given all his money or not, and it is for that purpose that it requests RWISIRABO District authorities to respect the court's decision.

4. The Pending Case of HABUMUGISHA Léopold.

HABUMUGISHA Léopold brought his complaint to the Rwanda Commission for Human Rights on 4 June 2002, requesting assistance in the Case n° R.C 2286/R6/2000 between him and BRALIRWA and in which the Court had declared him the winner. HABUMUGISHA Léopold was an employee of BRALIRWA-Gisenyi and he was dismissed on 21 February 2000, on the grounds that he had been careless in his work and had caused the loss of 130 crates full of beer, equivalent to nine hundred sixteen thousand, two hundred and forty francs (916,240RWF). He lodged complaint to Gisenyi Court of First Instance and the Case was registered under n° R.C.2286/R6/2000, stating that he complained against BRALIRWA for having dismissed him illegally and for no apparent reason. He also claimed his terminal benefits, and compensation for the expenses he incurred in following up his case and hiring a lawyer.

The Gisenyi Court of First Instance took decision on this case on 30 May 2000 and declared BRALIRWA guilty. BRALIRWA was ordered to pay HABUMUGISHA Léopold a compensation of 50,000 RWF for having dismissed him illegally, 53,058,156 RWF, equivalent of the salary for the 5 years and 8 months he was still to remain in employment before retiring age, 68,761 RWF as 3% annual increments on his salary and 100,000 RWF for the lawyer he had hired. All put together amounted to the sum of 53,226,917 RWF.

BRALIRWA was not satisfied with the Court's decision and it appealed to the Ruhengeri Court of Appeal for the Case n° R.C.2287/R6/2000 on 12 June 2000 registered under n° R.C.A 437/R2/Ruh. On 4 December 2000, the Court took decision and declared BRALIRWA guilty but the compensation was reduced to 8,017,670 RWF.

BRALIRWA asked for cassation of the Case n° RCA 437/R6/2000 decided upon by the Ruhengeri Court of Appeal on 1 March 2001 and this was registered under n° RCP.594. On 5 October 2001, the Court of Cassation took decision on the Case RCP 594, declaring null and void the appeal RCA 437/R2/Ruh decided upon by the Ruhengeri Court of Appeal as it had been based on a "non-existent appeal".

After this decision by the Court of Cassation, HABUMUGISHA Léopold requested final settlement of the Case n° R.C 2286/R6/2000 in which he had been declared the winner by the Gisenyi Court of First Instance, but it was not settled. The Lawyer of BRALIRWA named MPAYIMANA Isaïe wrote to the bailiff of Kigali Court of First Instance the letter n° 269/097 cab MI/01 of 9 November 2001 warning him not to conclude on the said Case whereas he had started working on it to that effect.

HABUMUGISHA Léopold brought this problem of his unfinished case to the attention of the Minister of Justice and Institutional Relations on 13 February 2002, the Supreme Court Vice President, who is also in charge of the Courts Administration Department on 13 May 2002, and the President of the Republic on 10 April 2002 requesting them to help him get his rights; and every time he informed the President of the Rwanda Commission for Human Rights.

The Commission followed up this case and learnt that on 4 April 2002 the Supreme Court Vice President who is also Head of the Courts Administration Department, as mentioned above, had asked the President of the Ruhengeri Court of Appeal to send him a report on the matter.

In his letter of 24 April 2002, the Ruhengeri Court of Appeal President replied that HABUMUGISHA Léopold and BRALIRWA were heard in Court at Gisenyi in the Case n° R.C. 2286/R2/2000 and HABUMUGISHA came out the winner. BRALIRWA then made an appeal but in so doing, it made an error and appealed for Case n° R.C.2287/R2/2000 which concerned neither him nor HABUMUGISHA. He said that regardless of this error, the Ruhengeri Court of Appeal went ahead with the trial of this Case under registration n° R.C.A 437/R2/RUH. Later, BRALIRWA asked for the Cassation of this Case in the Court of Cassation under n° RCP 594. The appeal R.C.A 437/R2/RUH decided upon by the Ruhengeri Court of Appeal was nullified because it was based on a non-existent case.

On consulting the dossier on this case the Commission found that in November 2001 BRALIRWA had claimed revival of the Case n° R.C. 2286/R6/2002 in which judgement had been taken by the Gisenyi Primary Court. BRALIRWA's claim was registered under n° R.C. 4705/R13/2001. This Case had been scheduled for trial in court on 5 June 2002 but it did not take place because HABUMUGISHA Léopold had not been summoned. Up to the end of 2002, this Case was still pending.

The Commission's opinion is that there is no legal reason why the Case n° R.C.2286/R2/2000 should have not been concluded on. All the authorities concerned by this issue should therefore speed up settlement of the matter without any condition.

5. The Case of SHYAKA Amiel.

On 8 December 2002, SHYAKA Amiel wrote to the Commission seeking to be given back his property. SHYAKA Amiel represents those who inherited his brother's property, MUSOLINI Gérard who was a businessman and died having a case with MPUNGA Charles who shared a Petrol Station with him but had cheated him.

MUSOLINI Gérard took his case to Kigali Court of First Instance on 17 November 1995, registered under n° R.C.24229/S1/95. Before the case was over, MUSOLINI Gérard died and those who inherited his property represented by SHYAKA Amiel continued the case and won over MPUNGA Charles in the Kigali Court of First Instance. The loser was asked to pay 122,876,202 RWF and 107,628 US\$. On his accounts there was 40,000,000 RWF in BCDI and they were seized. The Court Bailiff wrote to BCDI requesting it to release the money and the BCDI refused arguing that the amount was a promissory note that MPUNGA Charles owed to the Bank.

SHYAKA Amiel took BCDI to court and won the case. The BCDI was ordered to pay 40,000,000 RWF plus a profit of 18%. The Bailiff seized the money and ordered BCDI to put the money on the account of the Court of Kigali First Instance waiting for the case to end. In the meantime, BCDI appealed in Kigali Court of Appeal on 4 January 2001 under the Case n° R.C.A. 13273/Kig. The case was heard on 17 May 2001 and 31 May 2001 in the absence of MUSOLINI's inheritors. The ruling was made on 5 June 2001. The Court of Appeal confirmed that the temporary close of the Case n° R.C.31275/99 ordered by the Kigali Court of First Instance be suspended.

The Bailiff took the money to BCDI before the pronouncement of the judgement. SHYAKA was not happy about the ruling and took the matter to Court of Cassation on 18 June 2001 registered under n° RCP 754.

On 18 January 2002 the Court of Cassation nullified the Case n° R.C.A. 13272/KIG of 5 June 2001 pronounced by the Kigali Court of Appeal. After this decision of the Court of Cassation, SHYAKA wrote to the Kigali Court of First Instance on 22 March 2002 so that they give him the money it had put on its account and the Court said it had given it back to BCDI. Then SHYAKA wrote to the President of the Republic on 4 March 2002 and 11 December 2002

and to the Minister of Justice and Institutional Relations on 25 April 2002 requesting that a decision be made on the Case R.C.31275/99 of 13 October 2000 between him and BCDI.

The President of Kigali Court of First Instance who was asked by the Vice-President of the Supreme Court and the President of Courts Administration to produce a report on the ruling answered in his letter of 10 June 2002 that it was necessary to temporarily release the BCDI account because the Office of the Chief Prosecutor in the Supreme Court proved to the President of the Court that the Case n° RCP 754 ruling was a fake document and that to prove it, those who signed it were under investigation by the Supreme Court on R.M.P.C. 445/GG until some light on the case is shed. Here it is important to remind that the accused of fake or forgery papers are judges MAFARANGA Anastase, NZAMUKWEREKA Vénant and GASATSI Emmanuel.

The Commission calls upon higher authorities of the country so that the court's ruling is implemented unconditionally.

6. Problems arising from the ruling on the Case of SEMUHIZI Balthazar.

SEMUHIZI Balthazar wrote to the Commission on 31 October 2001 showing the injustice done to him in the closing of the Cases n° RA 75/13.04/93, RA 0032/13.03/97 by the Court of Cassation on 27 September 1993. In these cases, KABANYANA Mary had complained wanting to terminate the contract of the house sale of 21 April 1981.

These cases were closed on 22 October 2001. The Bailiff of Ruhengeri Court of Appeal, RUCYAHANIRA Manassé gave the house situated on plot n° 285 to MUHAYIMANA Jean de Dieu, a son of KABANYANA Mary (+). This closing of the case brought about a lot of misunderstandings because the one in possession of the house, namely SEMUHIZI Balthazar argues that his house is on plot n° 497 and has nothing to do with the one in question.

This case started in 1981 when SEMUHIZI Balthazar bought the house from KABANYANA Mary on 21 April 1981. They made a contract and agreed that KABANYANA Mary would do the necessary to change the names and put the house on his names but later she refused to do so. SEMUHIZI took the matter to Ruhengeri Court of First Instance registered under Case n° 9.121/R/22/82. The case was heard on 5 June 1982 and the ruling was made on 31 June 1982 confirming that the contract was right and binding that KABANYANA should go and honour her obligations and put the names of SEMUHIZI as stipulated in the contract. KABANYANA was not happy with the ruling and she appealed in the Ruhengeri Court of Appeal under n° R.C.A 4262/R9/RUH read on 24 February 1983 and in which she lost the case. On 24 May 1983 KABANYANA Mary requested for the court ruling to be nullified but she failed because it was too late.

Although SEMUHIZI won all the cases from the First Instance to Court of Cassation, what KABANYANA was asked to do was never done until 5 April 1985 when the shop of KABANYANA took fire and burnt the shop of SEMUHIZI Balthazar as well. KABANYANA Mary who had insurance in SONARWA for all the houses on plot n° 285 got compensated

immediately but she never gave any thing to SEMUHIZI Balthazar, as no house was on his name.

SEMUHIZI repaired his house and even got a plot registration certificate in 1993 and his house got the n° 497.

In 1984 before the houses burnt, KABANYANA Mary had taken the Bank of Kigali to court for having breached the contract illegally thus forcing her to sell her house to avoid its auctioning. KABANYANA Mary won the case and the Court of First Instance confirmed that due to the pressure of the Bank of Kigali, she sold her house to SEMUHIZI Balthazar. The Bank of Kigali paid her a fine of five hundred thousand Rwandan Francs (500,000 RWF).

KABANYANA Mary went back and sued SEMUHIZI Balthazar in the Ruhengeri Court of First Instance requesting to change the contract arguing that she was betrayed by SEMUHIZI Balthazar.

KABANYANA was basing her arguments on the fact that since the court confirmed that the Bank forced her to sell her house, this will be enough to change the contract. She lost the case but challenged the ruling and appealed in Ruhengeri Court of Appeal under the Case n° R.C.A 4476/R18/RUH. She again lost the case.

KABANYANA Mary requested the cancellation of the case in the Court of Cassation. The case was cancelled and transferred to Nyabisindu Court of Appeal. KABANYANA Mary lost again and once more she sought cancellation of the case.

Using the same argument the court used in cancelling the case earlier, and seeing that they never considered the evidence in the Case R.C.A 6620/KIG on 5 May 1984, KABANYANA Mary again sued the Bank of Kigali for not honouring the contract in which she argued that she had been forced to sell her house under pressure.

The two Chambers of the Supreme Court met and using article 84 of the Law of 23 February 1963 stating that once the case is cancelled on the same accusations and same parties for the second time, they consider and use the same evidence. The Supreme Court sent the case to the Court of Cassation.

The case was cancelled under article 85 of the Law of 23 February 1963 which stipulates that once a case has been cancelled twice, the court handling it should consider the Supreme Court decision. The case was sent to Cyangugu Court of Appeal which ruled that:

- The contract between KABANYANA Mary and SEMUHIZI Balthazar was made under the pressure of the Bank of Kigali on KABANYANA Mary.
- The contract between KABANYANA Mary and SEMUHIZI Balthazar should be nullified according to article 11 of Book Three of Civil Law stating that contracts should be voluntary and free from any pressure.

The court could not seat because the quorum of judges was not attained. The case was sent to Kigali Court of Appeal which said that the appeal of KABANYANA Mary was unfounded and KABANYANA Mary lost the case.

KABANYANA Mary again requested the Court of Cassation to cancel the ruling made by the Kigali Court of Appeal and the Court decided to handle the case itself, on 27 September 1993 in Case R.A n° 75/13.04/93-RA 1320/13.03/93 RCA 1059/KIG, and ruled that the contract between KABANYANA Mary and SEMUHIZI Balthazar is not valid. KABANYANA should get back her house and SEMUHIZI Balthazar get back his money.

That is the root cause of the whole problem because the house mentioned was burnt and the newly constructed one has a different number. There is no case for something which does not exist. Again the case was closed on 25 November 1996.

The Bailiff of Ruhengeri Court of First Instance, MUYOVU André said in his letter of 12 November 1998 that there is no closing of a case for something which does not exist and for which decision has been taken earlier. The Bailiff who replaced him closed the case on 22 October 2001 and ordered SEMUHIZI Balthazar to surrender the house to MUHAYIMANA Jean de Dieu, son and heir of KABANYANA Mary but he said nothing about the money paid in the purchasing of the house.

On 20 October 2001, SEMUHIZI Balthazar lodged in a complaint against the ruling, and the hearing of this case was scheduled on 20 March 2002, but was postponed because the Prosecution did not appear. The case was re-scheduled on 2 October 2002 because the State Attorneys had informed the Court that would not be available until then.

The Ministry of Justice and Institutional Relations also forced SEMUHIZI Balthazar to quit the house as it is shown in document SEMUHIZI Balthazar presented to the Commission in which he was invited to meetings intended to settle the matter between him and KABANYANA Mary.

The Commission is not satisfied with the way this case was handled because the rulings of the different courts are so unclear that the involved parties remain at loggerheads. The poor administration of justice antagonised the involved parties instead of settling their case.

The Commission requests the courts appealed to, to handle it with care so that this case ends with justice done.

7. The Pending Case of MWEZI Aloys.

MWEZI Aloys wrote to the Commission on 7 May 2002 seeking to be assisted in the ending of the Case R.C.A 12712 KG in the Kigali Court of Appeal stating that he inherits the property of his late brother BAZIMYA a victim of Genocide.

The Bailiff of Nyamata Court of First Instance gave him the right to take the land of late BAZIMYA but later the Social Affairs Coordinator of Nyamata District stopped him from

cultivating the land. He took the matter to the Prefet of Kigali Ngali on 8 January 2002 who in turn wrote to the District authorities to help him get back his land but nothing was done.

In its investigations the Commission talked to Nyamata District Mayor who informed the Commission that he gave the land to KABAYIZA in line with the National Policy of land sharing as instructed by his superiors.

The Commission found that the case and many others which are similar to it were reported to Provincial authorities and that the later had set up a committee in order to find a solution. Meanwhile, the Commission is still waiting for recommendations to be given by the said committee.

The Rwanda Commission for Human Rights requests that land issues should be solved on time.

8. The Case of ZIGIRINSHUTI Richard versus ELECTROGAZ.

On 15 February 2002, ZIGIRINSHUTI Richard wrote to the Commission requesting to get his rights for having had an accident at work in ELECTROGAZ. The ELECTROGAZ refused to treat him and sacked him without notice and without his salary for the time he spent in hospital.

ZIGIRINSHUTI Richard sued ELECTROGAZ and he won. ELECTROGAZ was fined one hundred sixteen thousand nine hundred twenty five Rwandan Francs (116,925 RWF) but the case was not closed. The Commission got a copy of the ruling and noticed many unusual issues. It wondered how ZIGIRINSHUTI Richard could work for seven (7) years, with a monthly salary and still be considered as a daily labourer, hence the denial of his rights to medical services, to savings and his dismissal without prior notice. Yet, the law provides that if anyone works for six consecutive months, even if he is a labourer, is considered as being on contract for unspecified period. He thus has rights to health services, compensation in case of accident and in case of dismissal he/she is given prior notice.

ZIGIRINSHUTI Richard never appealed but only requests the case to be closed. That is why the Commission wrote to him advising him to go to the Bailiff and request the closing of his case.

9. The Case of MUKANDOLI Godelieve and Others.

MUKANDOLI Godelieve, RUBAGUMYA and MUTEMBE Célestin wrote to the Commission on 19 June 2002 seeking to be assisted in their Case RCA 18679/49/2000 handled by Butare Court of First Instance concerning MUTIMURA Frédéric versus Nyanza Town and MUTEMBE Célestin got involved later. They wanted the Commission to intervene so that they recover their property taken by force by the dictatorial regime and investigate on the judges of Butare Court of First Instance who handled the case because they did not record the way the judgement was pronounced and refused them the right to appeal.

In their letter they explained to the Commission the following issues:

- They were informed that they won the case, so they saw no reason to appeal.
- They were told that they had won the case, but the property in dispute was given to the accused.
- They were asked to produce the point of contention after the judgement was made.

The case in question is about their land MUTIMURA Frédéric took from them after they fled the country in 1961 because he was a Bourgmester. MUKANDOLI Godelieve, RUBAGUMYA and MUTEMBE Célestin argue that they complained to Nyanza Town and they got back their land. MUTIMURA Frédéric also took Nyanza Town to court in Rusatira Court of First Instance and he lost the case; he appealed to Butare Court of First Instance and he again lost the case.

The judgement took place on 25 April 2001 and read on 7 May 2001 and declared MUTIMURA Frédéric the loser. After the pronouncement of the judgement they were asked to bring a car and take the judges to show them where the land is located. They went there on 13 July 2001. Five months later they received a copy saying that MUTIMURA lost the case but should get one hundred meters square. Based on this, the plaintiffs found that there was a lot of cheating in taking this decision because the judges took sides in favour of their colleague, MUTIMURA Frédéric, a judge in Court.

Nyabisindu Canton The Commission went to Butare Court of First Instance in 16 October 2002 and found that MUKANDOLI Godelieve and others did not appeal because the judges went to see the plot after the reading of the judgement; so MUKANDOLI Godelieve and the others plaintiffs, knowing they had won the case, they did not request for its cassation within the time required by the law.

The Commission also learnt later that MUTIMURA Frédéric had requested Butare Court of First Instance to cancel the case and informed MUKANDOLI to follow up her case in the Court of Cassation.

The Commission requests the Supreme Court to settle the matter without delay.

The Commission continues to follow up this case closely.

10. The Case of NYIRANSABIMANA Josiane.

NYIRANSABIMANA Josiane comes from Gihinga Cell, Rwinkwavu Sector, Cyarubare District, Kibungo Province. From 15 December 1998 she is imprisoned in the Provincial Prison accused of having given birth to a baby and killed it.

When the Commission visited the Kibungo Prison in February 2002, it found that NYIRANSABIMANA Josiane had already spent more than six years in prison without appearing before the court. On 19 January 2002, the Kibungo Prosecution forwarded her file to the Court of First Instance.

The Commission followed up the case file n° RMP 85422/S3/ND/BC and RP 17192/R56/MR/Kgo in Kibungo Court of First Instance and discovered that no date had been set for its hearing. The Commission asked the Court to set a date and it was fixed for 26 April 2002. The Court judged her and sentenced her for nine years imprisonment.

However, the Commission finds it unjustifiable and very unfair to have kept NYIRANSABIMANA Josiane in detention without trial; thus denying her the right to appear before within reasonable length of time.

11. The Case of NYIRAMAHANE Claudine.

NYIRAMAHANE Claudine lives in Kaniga Sector, Rushashi District, Byumba Province.

NYIRAMAHANE brought the case to the Commission on 9 May 2002 and requested to be assisted in her Case n° RP 876/XXII/2000/BY RMP n° 107/S3/CT/NTI in which she accuses BUSIHA Damascène, NTUYENABO Canisius, HAKIZIMANA and BITWIROMUNDA James of having killed her husband in the year 2000 and then flee to Uganda. Her question was that she had reported several times before the Byumba Court of First Instance so as to hear her case but the hearing kept on being postponed.

In following up this case, the Commission realised that it took long and asked the court to have the case read. It was finally heard on 4 June 2002 and NYIRAMAHANE was to receive a compensation of two million eight hundred thousand Rwandan Francs (2,800,000 RWF).

Although the accused have fled to Uganda, they were sentenced to ten years imprisonment and a fine of ten thousand francs each.

12. The Case of NYIRABATAGANDA.

NYIRABATAGANDA lives Rugaragara Cell, Buremera Sector, Gikongoro Town.

On 15 April 2002, MUKANKOMEJE Sitefaniya brought to the Commission the case of her mother NYIRABATAGANDA who won the case against MUKANKUNDIYE and RURANGWA in the Case n° RC 084/01/2000 the ruling of which was made on 29 May 2000 by the Nyamagabe Canton Court and in Case n° RCA 1231/03/2000 decided upon on 26 June 2001 by the Gikongoro Court of First Instance. The Case concerned three cows.

The Gikongoro Court of First Instance did not want to close the case because it mistook it for Case n° RC 24593 heard on 22 June 1996 in Kigali Court of First Instance which gave MUHOZA Angélique, the grand daughter of NYIRABATAGANDA the right to inherit the property of her father NTAMUHANGA.

After reading the rulings of the two cases and finding that they have no connection although MUKANKOMEJE Sitefaniya is an aunt to MUHOZA Angélique, the Commission went

to see the President of Gikongoro Court of First Instance and convinced him that NYIRABATAGANDA should get all the three cows in accordance with the court's ruling.

The President of the Court found this true and he went with the Bailiffs to close the Case on 23 September 2002. That day, NYIRABATAGANDA was given only one cow for the others had been hidden.

The Commission requests the relevant local authorities to find cows which were hidden so that they can be given to the victim.

13. The Case of MUKAKAYUMBA Annonciata.

MUKAKAYUMBA lives in Kiniha Cell, Bwishyura Sector in Kibuye Town.

MUKAKAYUMBA brought her case to the Commission on 14 September 2001 claiming that KARANGWA Petero who was a soldier and former Bourgmester of Rutsiro Commune shot her on the leg on 14 August 1998 in Kiniha Cell.

MUKAKAYUMBA sued KARANGWA in the Kibuye Prosecutor's Office with no avail. Instead she was silenced and forced to forgive him. She even went to the Chief Prosecutor's Office in the Supreme Court, but KARANGWA was jailed in Kibuye Prison for only 15 days after which he got released.

The Commission advised her to take him to Military Court which she did and won her Case n° RMP 4902/S1/AM/KGL/HA/2001 RP 1020/CG/2001. The case was heard on 18 January 2002 and the Court ordered KARANGWA to pay a fine of two hundred fifty thousand Rwandan Francs (250,000 RWF) to MUKAKAYUMBA and serve a sentence of five years and two months in jail.

The Commission finds that the Prosecution Offices caused the delay of this case because they did not guide MUKAKAYUMBA Annonciata as to where she should present her case.

At the time of writing this report, no appeal had been made for this case.

d. Other specific issues.

1. The Case of NSENGIYUMVA Védaste.

The case of NSENGIYUMVA Védaste who lives in Murambi Cell, Rusheshe Sector, Kabuga Town in Kigali Ngali Province, reached the Commission on 27 March 2002 brought by his wife, MUKAMPARIRWA Venansiya, who was requesting the Commission to help her find her husband who went missing on 5 March 2002. MUKAMPARIRWA Venansiya told the Commission that her husband was picked by a member of "Local Defence Forces" known as HABIYAREMYE who was his neighbour and took him to Kabuga Police Station. MUKAMPARIRWA went round all the Police Stations of the district with no avail.

On 5 May 2002, the Commission talked to Kigali Ngali Police administration which informed the Commission that NSENGIYUMVA Védaste was held in Kigali Central Prison accused of causing insecurity in the country (infiltration). Later, the Commission visited the Central Prison and found that NSENGIYUMVA actually there; and informed his wife MUKAMPARIRWA Venansiya.

The Commission is of the view that the National Police should always inform the detainee's relatives of his whereabouts in due time, so they could visit him.

Moreover, NSENGIYUMVA Védaste should be taken to court without delay to answer his case.

2. The Insecurity of HARATWIMANA Justin.

The case of HARATWIMANA Justin of Shyorongi District, Rwahi Sector, Nyarunyinya Cell who is an employee of the People's Bank of Shyorongi was brought to the Commission by his wife UWERA Chantal on 29 March 2002. In her letter, she complained saying that her husband fears for his security, and this started on 3 November 2001 when he was attacked by armed people who had picked him from a pub not far from his residence. A short distance away, they shot at him three bullets and left him believing he was dead. Some people came to his rescue and found him still breathing and took him to the Kigali Central Hospital (C.H.K.) where he spent two months. Since then, he has never felt secure, especially as the security services have never managed to identify any of those who shot at him.

The Commission met HARATWIMANA Justin who told them that he ran away from his home because he heard a member of "Local Defence Forces" saying: "Don't let him get away". He added that he took refuge in Nyabarongo valley and then in Gatsata.

It is regrettable to see that people who shot at a citizen can not be known. This caused HARATWIMANA Justin to run away from his home since his security was not ensured.

What is more preoccupying is that administrative authorities of Shyorongi District say that they hear about that, but the concerned victim has never reported it to them.

The Commission finds it regrettable and unfair that the administrative authorities acted irresponsibly in a case of insecurity of that kind concerning a citizen. Since that case is well known by Shyorongi District administration, the Commission thinks that the later should follow it up and ensure his protection.

3. The disappearance of Sergeant BUDARI François.

Sergeant BUDARI François is a soldier in the former INKOTANYI (R.P.F.), from the 301 Brigade including Butare, Gikongoro and Cyangugu. UWIMANA Monique, mother to Sergeant

BUDARI François, wrote to the Commission on 24 January 2002 informing it of the disappearance of her son believed to have been a victim of his seniors.

Sergeant BUDARI was first jailed by Captain NTAMBARA Frank, from 1 January 1998, accusing him of disrespect to his seniors. Colonel BAGIRE released him in March 1998 and he was reintegrated in the army, at Gikongoro. After reporting back, Captain NTAMBARA jailed him again on 3 April 1998. On 10 May 1998, Warrant Officer KAREMERA Emmanuel asked Sergeant BUDARI François to write a statement. While he was still interrogating him, he locked him inside the building and went to receive a phone call, when he came back, he found that Sergeant BUDARI François had broken the door and escaped.

Captain NTAMBARA Richard and Warrant Officer KAREMERA Emmanuel were jailed suspected of conspiracy in his disappearance, the matter went to Military Court and they were released on 11 January 2002 in the Case n° R.M.P.4064/S1/A.M./kg/99, R.P.1120/C.G./2001 stating that there is no evidence.

The Commission talked to UWIMANA Monique on 15 January 2002 and she told it that she never appealed because she never took any case to court. On 7 February 2002, UWIMANA Monique produced a copy of the ruling to the Commission. The Commission wanted to know why the prosecution never appealed and it said that they had no other information or facts, but said that if anybody from his family wished to appeal he would be welcome and shall be assisted.

The Commission advised the family of Sergeant BUDARI François to appeal and MUGIRANEZA Jean-Michel, his younger brother, appealed on 7 February 2002. Now he is waiting to appear in court and the Chief Military Prosecution accepted to attend.

The Commission shall continue following up this case.

4. The refusal of visits to Sergeant ZIRIMWABAGABO Samuel.

Sergeant ZIRIMWABAGABO Samuel originates from Kanombe District, in Kamashashi Sector, he is detained in Military Police in Kanombe, accused of Genocide. His wife NYIRANTEZIRYAYO Violette wrote to the Commission on 11 April 2001 saying that her husband was arrested by Military Police and detained in Kanombe and not allowed to see him although she used to visit him before.

The Commission went to Kanombe Military Police on 21 January 2002 and talked to Second Lieutenant MUNGWARAKARAMA Emmanuel in charge of Prisoners, who informed it that ZIRIMWABAGABO Samuel is there and doing fine. Asked why his family is not allowed to see him, the Commission was informed that he was in Arusha where he had gone to testify against Genocide suspects. Second Lieutenant MUNGWARAKARAMA Emmanuel showed the Commission travel documents of ZIRIMWABAGABO Samuel and even brought him and talked to the Commission as a healthy man.

The Commission informed his wife who later continued to visit him. Here the Commission reminds everybody that any prisoner has the right to be visited by his family.

5. Refusal to receive the request of cassation of the Case of Second Lieutenant MAHORO Oreste.

Second Lieutenant MAHORO Oreste is a soldier in the National Army detained in Military Prison of Murindi, accused of having killed his wife DUSINGIZENYIRIGIRA Denyse. Second Lieutenant MAHORO Oreste wrote to the Commission on 30 September 2000 requesting it to follow up his case which the court refused to receive.

The Commission met Second Lieutenant MAHORO Oreste on 21 January 2002 who told them that his wife had killed herself using a gun which was in the bedroom while he was in the sitting-room with children who were staying with him. After being arrested and handed over to the Military Judiciary, he was brought before the Military Court. He was declared not guilty and consequently he was released. The Military Prosecutor appealed and the case was taken to the High Military Court where he lost the case and was sentenced to life imprisonment, he was re-arrested and imprisoned.

Second Lieutenant MAHORO asked for nullification of this ruling on 29 and the Court of Cassation said it was too late, yet the law provides for 30 days (Art. 89 of the Law of 23 February 1963 as modified by Law n° 17/85 of 31 July 1985 and the Organic Law n° 7/96 of 6 June 1996) the Court argued that 10 days were over.

The Commission found that the number of days allowed are 10 as per the Law of 1963 establishing the Supreme Court even though the Court of Appeal wrote thirty days in relation to MAHORO case.

The Commission believes that MAHORO was unfairly refused his rights due to mistakes of judges. The Commission requests the Supreme Court to follow up this matter so as to do justice to MAHORO Oreste.

e. Mistreatment of Genocide Witnesses.

1. Violation done to BAZARAMA Marie.

BAZARAMA Marie wrote to the Buriza District Coordinator on 14 August 2002 and gave a copy to the Commission. The copy reached the Commission on 21 August 2002. In this letter, she says that she ran away from her place of birth because of her neighbours including her brothers, backed up by RUGWIZA Frodouald, the Coordinator of Ntarabana Sector. BAZARAMA Marie is currently in Rugazi, Kinunga Cell, Ndera Sector, Kabuga Town in Kigali Ngali Province. She comes from Mubuga Cell, Ntarabana Sector, Buriza District, Kigali Ngali Province.

BAZARAMA Marie says that she is persecuted because she helped survivors of Genocide to testify on what she witnessed in the Genocide of April 1994. She says that she has

always complained to the successive coordinators in her area but instead of listening to her, they accused her of causing insecurity by causing people to go to jail. She first took refuge in Rugogwe in Ntarabana Sector, then because of RUGWIZA Frodouald who was persecuting her, she took off to Gitega in Nyamirambo District where she left in December 2001 going to her new address in Ndera. BAZARAMA Marie adds that, since she took refuge, she tried to cultivate her land but not even once she managed get any crop, because her brothers and neighbours harvested them. As an example, she explained that, on 23 July 2002, NKUNZIYAREMYE, KABERUKA and MUKURIZAKURINDA attacked NYIRAMUNYINYA Marthe who had kept her sorghum. They took it accusing her of keeping in her custody a public enemy's property.

On 16 October 2002, the Commission talked to various residents of Mubuga Cell, and they confirmed that the people of the said Cell actually persecuted BAZARAMA Marie because she gave witness against many people and that she said what she saw for she never went in hiding, and that RUGWIZA Frodouald does not want her to live in his sector.

The Commission met RUGWIZA Frodouald who said that BAZARAMA Marie is a liar who caused imprisonment of many people, disturbs the administration authority, who is very notorious and that measures should be taken against her.

On 31 October 2002, the Commission met MBAGA KIZITO who used to be the Murambi "*Sous-Préfet*" and he told the Commission that knew quite well the case of BAZARAMA Marie, that she has been persecuted for a long time and that at one time, he himself took the initiative of looking for a refuge for BAZARAMA who had fled her own house.

On 12 November 2002, the Commission met the Buriza District Coordinator and the Police Chief of the area who admitted to be aware of the case and injustice done to BAZARAMA Marie. They said that they planned to go and talk to the Sector Coordinator and convince him that BAZARAMA Marie has the right to stay in her place. The District Coordinator said that he was going to follow up that case but in the meantime he left it to the Police.

The Commission is of the view that BAZARAMA Marie's rights to live where she wants and to own property were violated. Moreover, serious measures should be taken against RUGWIZA Frodouald as a leader because he causes insecurity among the people he leads.

The Commission is also of the view that BAZARAMA Marie should not be victimised because she testified on what she witnessed in the Genocide which took place in Buriza District. The District authorities should take care of her security and ensure that she regains her property.

2. The Death of MURENGERA Félix.

UWIHANGANYE and NDAHIMANA are local leaders in Gasave Sector of Budaha District in Kibuye Province.

From 11 March 2002, the above mentioned people brought to the attention of the Commission a case of a teacher called MURENGERA Félix from that Sector who was killed.

While the doctor's post mortem examination revealed assassination, the Budaha Police said that they could do nothing because the man died of sickness, suffering from pancreas.

NDAHIMANA and UWIHANGANYE went to tell the District authorities which also did nothing.

The Commission talked to police authorities concerning that issue to the extent that those suspected of having killed MURENGERA have been arrested and taken to court even BAHATI who played a role of not explaining the case has been punished.

Those detainees are suspected to have killed MURENGERA Félix and they include RUBARI Vincent, TWAGIRAYEZU Innocent, NTAHONKIRIYE, UWABAZUNGU Cyriaque, Léoncie whose other name could not be revealed to the Commission and NYIRABUDOGO Alexia suspected to have plotted against MURENGERA Félix because he was testifying against her jailed husband NSABIMANA Evariste, a suspect of Genocide.

3. Mistreatment of Genocide Witnesses in Gikongoro Province.

From 8 to 10 July 2002, the Commission visited Gikongoro to follow up problems of Genocide survivors brought to it on 19 June 2002 by the Commission's Staff in that Province. Some of those whose rights were violated are the following: KANKUYO Dafoza, NYIRABARINDA Imakulata, her two sons AMBASADERI and HABIYAREMYE Yohani Damaseni and her daughter-in-law NYIRAKAMANA Venansiya, NYIRABOYI Marigarita and MUKANKWIRO Forolida.

- **The Case of KANKUYO Dafoza.**

On 8 July 2002, the Commission met KANKUYO Dafoza, the wife of NTAMUHANGA Athanase living in Munombe Cell, Gasaka Sector, Gikongoro Town in Gikongoro Province who told the Commission that, ever since Gacaca Jurisdictions were mentioned, they started being persecuted. They were attacked 4 times: in December 2001, January, April and May 2002, they were beaten and sustained heavy injuries, their livestock were stolen as well as their crops and households.

When they were attacked for the third time, they were forced to leave their house and go to rent a house next to the main road, but even this did not stop them from being attacked. They are singled out because their attackers fear that they will testify against them in Gacaca Jurisdictions as they testified against others who were involved in the 1994 Genocide in other ordinary courts. She added that all the authorities did nothing to protect them; they seem to neglect them.

The Commission asked the Coordinators of Bihanga Cell and Gasaka which is their Sector about this family claiming that attacks against them are based on the fear that the family will give testimony of what they witnessed in the 1994 Genocide.

- **The Case of NYIRABARINDA Imakulata and Family.**

NYIRABARINDA Imakulata, her two sons, AMBASADERI and HABİYAREMYE Damascène and her daughter-in-law, NYIRAKAMANA Venansiya live in Bihanga Cell, Gasaka Sector in Gikongoro Town of Gikongoro Province. On 8 September 2002, the Commission talked to NYIRABARINDA and her daughter-in-law NYIRAKAMANA Venansiya and told the Commission on their ordeal when they were attacked on 5 May 2002. The attackers beat them and harmed them, took their property and killed their sheep. At that time, they were targeting and looking for HABİYAREMYE Damascène because he had been elected as "*Inyangamugayo*"-a person with integrity- in Gacaca Jurisdictions.

NYIRABARINDA Imakulata and her daughter-in-law say that, in their area, five houses of survivors have already been attacked because some of their neighbours do not want the starting of the Gacaca Jurisdictions to find these people alive, they fear being accused of Genocide in those jurisdictions.

The Commission went to see the Police Chief in Gikongoro and he told the Commission that he wrote to Gikongoro Town leaders and provincial leaders in the letter n° 040/61/PPC/602 dated 17 May 2002 asking them to convene a meeting in Gasaka Sector. When they did not respond, he decided to call the meeting himself, in the absence of the said leaders.

The Commission also talked to Coordinators of Bihanga Cell, Gasaka Sector and they both agreed that the concerned family is persecuted because they are feared to testify on the 1994 Genocide. They also said that they wrote a report on that issue, but the town leadership and provincial authorities did nothing on this case.

The Commission contacted the Coordinator of Gikongoro Town who told the Commission that he never knew about the problem of these Gasaka people and he added that the Law instituting the National Police removed their powers of taking punitive measures, hence evil doers do not fear, even those taken to Police are immediately released.

- **The Case of NYIRABOYI Marigarita and MUKANKWIRO Florida.**

On 9 July 2002, the Commission visited NYIRABOYI Marigarita and MUKANKWIRO Florida, Genocide widows living in Nyagishumbu Cell, Ngara Sector, Karaba District, Gikongoro Province who told the Commission that in April 2002, people attacked them and took the single cow they possessed. They were asked why they are targeted and they said that those attacking them fear that they will testify against them when Gacaca Jurisdictions become operational.

The Commission met the Coordinator of Nyagishumbu Cell where NYIRABOYI and MUKANKWIRO live, he told the Commission that he himself wrote a report confirming that injustice and gave it to the Sector Coordinator who did nothing to solve the problem.

The Commission also talked to one of Karaba District Deputy Mayors who also confirmed that the problem of harassment to Genocide survivors existed.

- **Cases of Kirambi Sector.**

On 9 July 2002, the Commission went and talked to one of the leaders of Kirambi Sector in Karaba District, he told the Commission that there are some people who have been dying in unclear circumstances while coming from testifying against Genocide, some were believed to have been poisoned. Those are: KAMANA Yozefina, KANAKUZE Kristina, SEHENE Pascal and UWIZEYIMANA Yozefa.

This leader told the Commission that whenever he gave the report, the District leaders took it as exaggerations. On this issue, the Commission is determined to continue its investigations to find out the truth on the matter.

With regard to issues of witnesses of Gikongoro Province, it is clear for the Commission that all the above mentioned people have been attacked and no single person came to their rescue in spite of their cry for help; neither the police nor the administrative authorities did anything for those citizens.

Based on the above examples, the Commission reminds the Provincial and Police authorities of Gikongoro to ensure the security of witnesses in Gacaca Courts and together help to solve people's problems.

C. Visits to Cells and Prisons.

In the context of finding out problems in cells and prisons, the Commission visited some cells and prisons to determine the welfare of the detainees, the protection of their rights and to see any other problems there.

a. Cells visited.

- **Civil Cells.**

In Kigali Town, the visited Cells include Remera, Gikondo, Nyamirambo, Muhima, Gisozi, Butamwa, Kicukiro and Kanombe Police Stations. They were visited on 29 July, 18 August, 21 August and 11 September 2002.

In Kigali Ngali Province, it was from 16 to 19 January 2002 and Police Stations visited are Nyamata, Ngenda, Gashora, Tare, Shyorongi, Mbogo, Buriza, Bicumbi, Gikoro, Gasabo, Masaka and Rushashi.

- **Military Cells.**

On 7, 11, 12, 25 November and 13, 14 December 2002, the Commission visited some of military prisons in the country, including: Kanombe, Kibuye, Gitarama, Umutara, Butare and Gikongoro Military Polices.

General Problems in those cells :

- o Illegal arrests and detentions.
- o Most of the detainees do not have dossiers, due to many reasons including few policemen in some police stations, lack of sufficient equipment (few cars, motorbikes, papers, photocopiers, etc...).
- o Late receiving of reports hence late compilation of dossiers (e.g. lateness in medical reports about detained people).
- o All those detained in civil cells depend on their families for food and medical care; they get no assistance from governmental or non governmental organisations.
- o Poor hygienic conditions in those cells, hence the risks to contact diseases, especially when they stay for a long time.

Specific problems :

- o Kanombe Military Police has got small rooms and many detainees.
- o No water near Gikoro cell, hence poor hygienic conditions.
- o Kanombe Police Station and Kicukiro Police Station detain people in sectors for some time, as seen in Kabeza and Kicukiro Sectors.
- o Muhima, Bicumbi and Gikondo cells detain foreigners who have nobody to bring them food.

a. Prisons Visited.

- o On 8 June 2002, the Commission visited Murindi Military Prison.
- o On 28 September 2002, the Kibungo Military Prison was visited.
- o On 26 April 2002, the Rilima Prison was visited.
- o On 24 May 2002, the Gisovu Prison was visited.

Main problems in these Prisons :

- o These prisons visited are characterised by a big number of people with no warrants of arrest.
- o People do not appear before the Judges Council. In Gisovu Prison that seems not to have existed.
- o Some people are cleared but not released.
- o Some even serve their sentence but take long to be released.
- o In general, these prisons are overcrowded.

Specific problems :

- o Gisovu and Rilima Prisons have infants who are born there and deprived of other infants rights and conditions.
- o This prison is far from the court, health centre and the Prosecutor's Office, such that access to medical service and follow up of cases are difficult.
- o Rilima Prison has a case of people illegally detained, and children under 18 years sentenced to death penalty. These children are UWAYEZU Alphonse and NIYITEGEKA Alphonse.

The Commission requests the Government to try and find solutions for issues which require considerable financial means and settle on time those which do not.

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2.2.1.2. Economic, Social and Rights to Development.

In the field of economic, social and rights to development, the Commission followed up issues brought to it, some were solved, others are underway. Cases brought to the Commission concern property (houses, land etc.), children's rights, rights to employment, health and culture.

A. Housing and Land Cases.

The Commission followed up some cases which were unresolved in the year 2001 and new cases of the year 2002.

1. The case of a plot and a house of HARERIMANA Sylvestre versus SINAMENYE Aboubacar.

In his letter of 11 June 2002, HARERIMANA Sylvestre brought to the Commission a case concerning a house situated in a plot in Gakoke Village, Gatenga Sector, Gikondo District and which Kigali Town authorities wanted to demolish. HARERIMANA Sylvestre got the plot from the Temporary Tents Project (T.T.P.) Coordinator and paid thirty thousand francs (30.000 RWF) for some works which were done on the plot and he got a receipt and a document (TO WHOM IT MAY CONCERN) certifying this exchange. The plot was purchased for a second time by SINAMENYE Aboubacar, and according to the investigation made, the Gatenga Sector Coordinator, GATERA Félix admits to have made a mistake by accepting the money. This plot issue which created so many conflicts between the two men was solved in a contradicting manner by the local authorities to which it was presented: the Cell Committee confirms that the plot belongs to SINAMENYE Aboubacar while the Gatenga Sector Committee confirms that it belongs to HARERIMANA Sylvestre.

The Gikondo District authorities confirm that the plot belongs to HARERIMANA Sylvestre and the Kigali Town authorities, in the letter dated 24 September 2001 and signed by the Deputy Mayor, RUSIHA Gaston confirm this to him.

The Commission carried out an investigation in Gatenga, Kigali Town (M.V.K.) among people who live in that village and HAVUGIMANA Emmanuel who was the former Coordinator of T.T.P. Project who was issuing plots in Gakoke village. They confirmed that the plot was given to HARERIMANA Sylvestre. The investigation revealed that HARERIMANA Sylvestre has all documents concerning the plot, but the houses were built on a foundation laid by SINAMENYE. HARERIMANA has been staying in that house with his entire family since the year 2000.

At the time of writing this report, the Commission wrote to the Kigali City Mayor the letter n° CNDH/421/03 of 20 February 2003 requesting him to nullify the decision taken to demolish the house of HARERIMANA Sylvestre, to conduct careful investigations so that justice is made to the deserving party.

2. The Case of SEMANYENZI Dauda.

On 16 September 2002, SEMANYENZI Dauda wrote to the Commission requesting it to look into his case concerning the issue of his former wife, UWANTEGE Ziada, who built a house in the plot he had been given by local authorities. SEMANYENZI Dauda requested that plot in the name of his children and wife, but he later abandoned them and got married to another wife. UWANTEGE Ziada, after knowing that her husband had got another wife, continued building the house started by SEMANYENZI and this created serious misunderstandings because UWANTEGE was supported by the local authorities, from the cell to district levels, as indicated in the letter of 3 June 2002, by the Mayor of Kacyiru District.

The Commission made inquiries among local leaders in Rukiri IV Cell and found that SEMANYENZI was no longer staying with UWANTEGE Ziada. It also found that these authorities supported the lady, for benefit of the children UWANTEGE had with SEMANYENZI. The authorities had the intention to find a living place for the children and their mother, as the landlord was asking them to quit the house they were occupying. The Commission found that SEMANYENZI's arguments had no ground for he is irresponsible for his children, as indicated by the local authorities.

The Commission finds that the decision taken by the local authorities is fair because, as SEMANYENZI Dauda abandoned his family, he has no right to take the plot from his wife.

3. The Case of Locking UWIZEYIMANA Léonie's House.

UWIZEYIMANA Léonie wrote to the Commission on 1 March 2002 requesting assistance because AHOBANTEGEYE Angeline, her mother-in-law to whom she had lent her house in RUSORORO Sector, Kabuga Town, left it locked while they were having cases concerning another house, currently occupied by UWIZEYIMANA Léonie.

The Commission went to visit the houses, discussed with UWIZEYIMANA Léonie, local authorities up to the Sector Coordinator and Kabuga Town authorities. The Commission went as far as investigating around the Ndera Canton Court. It found that what was in dispute is one house occupied by UWIZEYIMANA Léonie. As for the locked house, she wanted it open while waiting for the court to settle the matter.

In its investigations, the Commission found that UWIZEYIMANA Léonie got legally married to MURENGERANTWARI Fulgence on 25 March 1999 in the former Rubungo Commune. Before fleeing the country in 1994, MURENGERANTWARI Fulgence was staying with his mother AHOBANTEGEYE Angéline since 1986, in a house he had built in Rusororo Sector in 1983 which is now the point of contention.

Back from exile, AHOBANTEGEYE went to stay in Ruhengeri where her husband had a house, but in February 1999, she came to stay with her son. After the death of MURENGERANTWARI, in May 2000, his mother went back to Ruhengeri, locking behind her the house she was staying in, which also belonged to her son. It is then that she started disputing a bigger house with her daughter-in-law.

While following up issues brought to it, the Commission went to see whether a house in question had been unlocked. It was found that the Kigali Public Prosecutor had authorised UWIZEYIMANA Léonie (verbally) to open the house, as she had requested in her letter dated 25 May 2002, as it was not the one in dispute.

4. Non Remittance of Houses belonging to MYASIRO Mathias' Orphans.

The case concerning MYASIRO Mathias' houses was brought to the Commission on 24 July 2001 by NIYOYITA Bernard, on behalf of the family. MYASIRO Mathias had bought houses from BENALCO S.A.R.L before April 1994. He fled the country in July 1994 and when he returned in 1997, he claimed his houses from BENALCO.

While MYASIRO Mathias was following up the issue of his house, he was kidnapped from his house at Muhima by unknown people, later his body was found in Kanombe Military Hospital, in October 1998.

The Commission met the orphans of MYASIRO Mathias and wanted to get any evidence that could help in its investigations. The Commission also went to see the authorities of BENALCO S.A.R.L., and found the current Director does not know about the selling of the houses, though he later told to the Commission the names and his current address of the one who sold the houses (he is said to be in South America).

The commission visited the houses in question and found that they are occupied by various businessmen who pay rent to RWAKANA Hermogène, a businessman in Kigali City. RWAKANA allegedly bought these houses from BENALCO S.A.R.L, in 1995. On further investigations, the Commission learnt that RWAKANA was planning to sell them to VERMA.

The Commission went to see the Kigali City authorities in charge of selling houses. They were also aware of the case, but had not found solution.

The Commission advised the orphans of MYASIRO Mathias to distinguish the issues they present. The issue concerning the death of their parent and the related loss of their property, should be taken to a court of law. The Commission shall continue to remind the Kigali Town authorities to settle the issue of houses since it is part of its obligations.

5. The Case of KAMBABAZI Donatille's land.

On 8 January 2002, KAMBABAZI Donatille brought to the Commission a letter requesting the Commission to follow up the case of her property made of land and a house which were misappropriated. The properties are in Ndera Sector, the area currently occupied by Kabuga Town. After regaining the house, Rubungo Commune rented it for some people. Part of the land was given to people who had been allotted plots in a nearby "Umudugudu"-regrouped habitat. As KAMBABAZI has documents of ownership of the house and the land, she claims compensation for all damages and wants the administration to pay the rent.

The Commission visited the land and the house in it. It found that the house is being damaged and part of the land was given to people who were allocated houses in "Umudugudu". Trying to find more truth, the Commission went back with KAMBABAZI Donatille to see the house. KAMBABAZI showed the Commission exactly the same thing it had seen before; one of her former neighbours before 1994, testified that KAMBABAZI Donatille's land used to be bigger, but later part of it was transformed into "Umudugudu".

On 15 July 2002, the Commission went to Gasabo District Head Office and discussed with the District Mayor MULIGANDE Benjamin. The Commission was informed that the issue of land given to "Imidugudu", the procedure is that the one who gets "Umudugudu" pays back a piece of land or if he/she does not have land, he/she pays ten thousand Rwandan Francs (10,000 RWF) to the land owner.

Gasabo District authorities explained to the Commission that the sectors they inherited are Rubungo, Karama and Jurwe and that Ndera was given to Kabuga Town which should be the one to be contacted for that case.

On 18 November 2002, the Commission was told by NSABIMANA Oda, Kabuga Executive Secretary who was acting Mayor, that everybody's rights to property should be respected even if he does not have relevant documents. She added that KAMBABAZI Donatille should be given her property and those who have no homes should be given where to stay. She concluded that KAMBABAZI should report to the concerned authorities so that she gets another land in replacement of the part distributed for "Imidugudu".

6. The Sale of the House belonging to SEBAZUNGU Jean-Bosco.

In his letter of 15 January 2001, SEBAZUNGU Olivier presented to the National Commission for Human Rights the injustice done to him by her paternal grandmother NAGAHWEJE Asiteriya who sold the house belonging to his parents SEBAZUNGU Jean-Bosco and MUSANGANIRE Marie. The house was bought by MUVUNYI John and it is on plot n° 3020 in Kanserege Cell, Zone One, Gikondo Sector, in Gikondo District (formerly in Kicukiro Commune). MUVUNYI John, one of the children caretakers bought that house on 7 January 1995 at a price of four hundred fifty thousand Rwandan Francs (450,000 RWF).

After the death of the parents of SEBAZUNGU Olivier, one in 1986, another in 1988, the children were taken care of by the Belgian Red Cross Orphanage. During the 1994 Genocide, they were taken to Congo. In 1996, the children of SEBAZUNGU came back and found their house had been sold by their grandmother NAGAHWEJE who thought that none of her sons was still alive.

In selling the house, there were some intrigues: like confusing the President of the Court of First Instance and obtaining a caretaker certificate for the children of SEBAZUNGU Jean-Bosco.

The Commission conducted investigations and found that the children of SEBAZUNGU were victimised because NAGAHWEJE had no right to sell their property. Another problem concerns who, according to the law, should take the matter to the court, because none of the children has the age of 21 and their grandmother who should do it, is the one who betrayed them.

The Commission is of the view that the President of the court who issued the certificate should follow up the matter urgently, because the law gives him the power to do so.

The Commission requests the courts to be more vigilant in issuing certificates of inheritance and care taking to avoid the frequent occurrence of intrigues.

The Commission also requests the Supreme Court, especially its Courts Administration Department to follow up this case.

The Commission will continue to look into this issue.

7. The Distribution of the Lands between AKINGENEYE and NYIRABAVAKURE.

On 13 November 2001, the Commission received in writing a complaint of AKINGENEYE and NYIRABAVAKURE, residents of Ayabaraya Sector in Kanombe District, who wanted their rights to be respected because their lands had been distributed and shared with other people and yet they had been mortgaged in the People's Bank of Masaka.

In its investigation, the Commission met the concerned parties including authorities, complainants and those who shared the lands in question. It was clear that the complainants are not related but have the same problem concerning their lands which were given as mortgage to Masaka People's Bank.

Because BUTOBWINTOBO had removed the banana plantation in the part he had received as a share from the land of NYIRABAVAKURE, the Commission showed to the Agent of Kabuga Town, KAYIJAMAHE Denys, who followed up that case and the Coordinator of Ayabaraya, the problems of NYIRABAVAKURE resulting from the fact that she shared her land with another person and she cannot pay back her Bank loan. The Commission requested the Agent of Kabuga Town to mediate and look for a compromise for NYIRABAVAKURE and the person they shared her land; so that he returns the part he has or else he pays the loan and keeps the land.

This was done, because the day BUTOBWINTOBO accepted he signed with a contract the Masaka Bank on how he was going to pay the Bank what the remaining amount of money owed by NYIRABAVAKURE; and this was done in the presence of a representative of the Commission.

Concerning her colleague AKINGENEYE Consolata, as nothing changed on her land, the Commission wrote a letter n° CNDH/426/03 to the Prefet of Kigali Ngali Province on 20

February 2003 requesting that the family of AKINGENEYE gets back their land, because it has been given as a mortgage.

The Commission considers that in distributing land, people need to be very careful to avoid serious mistakes of distributing disputed land.

8. The case of NKEBESHA Laurent's land.

NKEBESHA Laurent wrote to the Commission on 13 September 2002. In his letter, he complained about injustice done to him by Ayabaraya Sector administrative authorities in using his land for a regrouped habitat commonly called " umudugudu ". This land was shared between two young men, namely KARENZI Ernest and BASARIKE Dominique who are both natives of Gihuke Cell, Ayabaraya Sector.

In its investigations, the Commission found that all the parties concerned with this issue pointed out the following:

- That the land was given to the two youngmen and yet they had had shares in their families,
- That the land of NKEBESHA was shared with other people and yet he could have shared with his sons who had been given no land,
- That he got no compensation for the coffee plantation which was on the land at the time of distribution and yet that was his source of income for him and his family.

The Commission also found that the Prefet of Kigali Ngali wrote to the Mayor of Kabuga Town on 23 December 2001 requesting him to consult the Town Committee and personally look into the case of NKEBESHA and take decision on the old man's issue, according to land and settlement regulations.

At the time of writing this report, based on the above mentioned letter, the Commission wrote a letter n° CNDH/398/03 to the Mayor of Kabuga Town, requesting him to solve the issue of NKEBESHA Laurent.

9. The Land of Domitille NYIRAKABANZA given to RUBABAZA Manassé.

On 14 August 2002, NYIRAKABANZA Domitille who stays in Butanga Cell, Gahara Sector, Rusumo District, brought her complaint to the Commission that the Coordinator of Gahara Sector, HABIYAKARE took her land and gave it to RUBABAZA Manassé to whom she owed 80,000 RWF. This was done arbitrarily.

Trying to find the truth, the Commission found that NYIRAKABANZA Domitille and RUBABAZA Manassé had made a contract according to which the loan was to paid on 25 December 2002. Hence the Commission requested the Deputy Mayor of Rusumo District, KANAMUGIRE Claver, to carefully look into the matter so as to honour the contract and let NYIRAKABANZA Domitille get back her land. KANAMUGIRE Claver requested HABIYAKARE

to return the land and wait for the 25 December 2002; and if RUBABAZA is not paid, then he would present the matter before the court.

At the time of writing this report, the Commission learnt that NYIRAKABANZA Domitille has paid fifty five thousands (55,000 RWF) and the rest shall be paid in July 2003.

The Commission requests some leaders to avoid taking decisions that often violate the rights of people they are supposed to protect.

B. Economy-related Cases.

1. Properties of Muhanga District residents destroyed by Gitarama-Kibuye Road.

On 8 April 2002, some residents of former Mushubati Commune now Muhanga District wrote to the Commission presenting their complaint in which they claim that the authorities responsible for compensating the property destroyed by the Gitarama-Kibuye road, in the Ministry of Public Works and Infrastructure (MINITRAPE) paid only some of the concerned people and some were left without payment to this day.

On 24 April 2002, the Commission did some investigations in MINITRAPE where it talked to Mr. HAKIZIMANA Emmanuel, an Employee of the Ministry of Land, Resettlement and Environment whose office is in MINITRAPE, where he is following up compensation payment resulting from roads construction.

HAKIZIMANA explained that when a census of compensation beneficiaries is completed, those concerned get explanations on how they will be paid. Currently, there is a number of two hundred who have signed for an amount of seventeen million three hundred ninety four six hundred eighty five Rwandan francs (17,394,685 RWF). Now, they are waiting for this money to be available, because their files have been sent to the Ministry of Finance. These are residents of Gatikabisi and Karama Sectors and other places.

The Commission was informed that it is necessary that all those claiming to be compensated report to relevant offices to sign for the approved money after the census has been set, and follow up their payment.

At the time of writing this report, the Commission was informed that all the claimants had received their money as it was planned.

C. Cases of Children's Rights.

1. Expulsion of BYUKUSENGE Anita from her Brother's Family.

One NYIRAHABIMANA Spéciose wrote to the Commission on 2 August 2002 requesting it to defend the rights of her younger sister BYUKUSENGE Anita, aged 14, so that she can take her back because BYUKUSENGE Anita claimed that the people she was living with had kidnapped her and were selling her.

In its investigations, the Commission went to see the girl at KAYITESI Henriette's house where she was staying. KAYITESI Henriette told the Commission that the girl left her elder sister because she mistreated her, refused her school requirements and when she realised there were many problems, she ran away from her elder sister who was mishandling her. As the case had been presented to court before it came to the Commission (Decisions n° 64/2002 and n° 72/2002), the Commission conducted some investigations on the case so as to know how the case was, but it first waited to let the court take decision on the case. The court later took Anita back to her elder sister NYIRAHABIMANA Spéciose, but after a short time, NYIRAHABIMANA Spéciose forgot how she spent time running after her to bring her back. She chased her away in broad daylight after injuring her and the child then returned to KAYITESI Henriette.

Again in its investigation, the Commission found that NYIRAHABIMANA Spéciose's claims that the child had been kidnapped and sold were false. But currently, the child has serious problems because the family she is living with does no longer want to keep her due to various problems created by her elder sister; and her elder sister does not want to keep her. Her paternal uncles do not want her because the elder sister denied, in Court, to have any relationship with them.

At the time this report was in print, the Commission wrote to Nyamirambo District Mayor the letter n° CRDH/474/03, requesting him to find an ideal place for the child to live enjoying her rights to go to school. The Commission itself handed over the child to Nyamirambo Sector Coordinator so that he finds a place for the child.

2. Refusal to Assist the Child of MUKANKUBITO Corinne.

On 11 October 2002, MUKANKUBITO Corinne wrote to the Commission requesting it to intervene and enable to get assistance to a child she has had with SIDIBE Almouhamoud of Malian citizenship. SIDIBE was an employee of the International Criminal Tribunal for Rwanda (I.C.T.R.) and currently he is an Investigator of the same Court in Kinshasa. He lived with MUKANKUBITO Corinne for almost three years, from June 1999 to 28 December 2001.

In following up this case, the Commission found that MUKANKUBITO SIDIBE separated, she was pregnant. After getting a baby, ICTR assisted her to bring up the baby as shown in receipt document. She received the money as follows: February 2002: 50 US\$, March 2002: 50 US\$, April 2002: 50 US\$, May 2002: 100 US\$, June 2002: 100 US\$. This assistance stopped when the man was transferred to Kinshasa.

At the time of writing this report, bearing in mind the immunity of Employees of the United Nations from being sued in Rwandan Courts, the Commission, in a letter of 20 February 2003, requested the Minister of Foreign Affairs and Regional Co-operation to use his powers and follow up this case for the interest of this baby born of these two people.

3. Expelling the Child BYABAGAMBA from his Family.

On 29 August 2002, a child of 14, BYABAGAMBA of Nsheke Sector in Nyagatare Town, brought a verbal complaint to the Commission Office in Umutara Province saying that his father, GAKERE François, has expelled him from home.

The Commission's investigations revealed that the child was chased away because of misunderstandings between him and his stepmother. The Commission also learnt that BYABAGAMBA has a married sister, DADARI Evanisi, and it convinced her to accept the child for the time being so that he does not become a vagabond. She agreed to this arrangement and the child was satisfied.

4. Refusal of Assistance to the Child of MUTONI Renata.

On 23 September 2002, MUTONI Renata who stays in Nyagatare Cell, Nyagatare Sector in Nyagatare Town presented verbally to the Commission Office in Umutara Province her case, seeking to get assistance for her child called NTWALI born between her and NSHUNGUYINKA Emmanuel, on 25 December 2001.

As MUTONI Renata was 17 years old, and thus couldn't take a complaint to courts, the Commission advised her to ask the court to grant her legal recognition of maturity because she was already a mother with a child cater for. Then she would go ahead with her case.

MUTONI wrote to the President of the Court of First Instance in Umutara requesting legal recognition of maturity which she obtained, and then she presented her Case, registered under n° RC/370/R1/02/MTR.

The hearing of the Case took place on 12 November 2002, after being postponed three times (on 8 and 22 October and even 5 November 2002) because the judges were on a training course. The Court ordered NSHUNGUYINKA to give ten thousand Rwandan Francs (10,000 RWF) every month as an assistance to MUTONI until the child reaches the age of seven.

5. Lack of School Fees for MUKAMANA Chantal and her Younger Sisters.

On 23 December 2002, MUKAMANA Chantal, daughter of SINGURANWA Anatole and MUKARUMARANA Jeanne d'Arc, from Jurwe Cell, Mubuga Sector, Rusenyi District, Kibuye Province, brought to the Commission a problem she shares with her two younger sisters concerning school fees, whereas their parent who is in Gisovu Prison, has money in Mubuga People's Bank. She argued that the Prosecutor's Office refused them authorisation to have some of the the money to pay school fees, because their mother has no other source of income.

Since education is a fundamental right for children, not to be denied due to imprisonment of their parent, the Commission held talks with the Prosecutor of Kibuye on this issue and he accepted to authorise those children to get from their father's account, a sum of money not exceeding one hundred and sixty thousand to pay a whole year's school fees, for all the three.

6. Non Payment of School Fees for KAREKEZI Méthode.

On 25 February 2002, the Commission received the complaint of KAREKEZI Méthode of ACEJ/Karama Secondary School. He wrote claiming his rights to education, because his mother UGIRIBAMBE Virginie does not pay for his school fees and other requirements; and thus he finds it difficult to follow studies and yet he is in the final year.

The Commission visited the School and found that in fact most of the time this child is out of school due to lack of school fees and yet he has no certificate indicating that he is among the destitute children. The Commission discussed with the child's parent who responded that the child is impolite; but the mother was reminded that it was her responsibility to take care of the child until he is grown up; and this includes his education.

The Commission undertook to initiate mediation between the mother and her son and explained responsibilities of either party. After this mediation, the mother accepted to pay the fees and the child continued his studies.

D. Rights to Employment and Labour Code.

1. The Dismissal of MUNYANZIZA Eugène.

MUNYANZIZA Eugène who was an employee of Butamwa District wrote to the Commission on 2 May 2002, complaining of having been dismissed illegally and without payment of his salary arrears.

MUNYANZIZA was an employee of the Ministry in Charge of Social Affairs where he left to go and work with the Butamwa District in accordance with the decentralisation policy.

Once at his new post, the District started paying him a salary of twenty six thousand two hundred forty five Rwandan francs (26,245 RWF) and yet he had reached a basic salary of forty eight thousand eight hundred Rwandan Francs (48,800 RWF). For all the time he was working for the District, he never stopped claiming his money.

The Ministry of Social Affairs, as a relevant authority, wrote to Butamwa District Mayor, NTAYOMBA Jean Marie Vianney, requesting that MUNYANZIZA be paid the salary he had reached, but this was to no avail.

MUNYANZIZA Eugène told the Commission that he was dismissed by the District authorities because he had written to the Ministry about the problems he had with the District authorities. However, the Butamwa District authorities, in their dismissal letter accuse him of the following mistakes: giving a bad image of the District, sowing disunity among his colleagues, spreading rumours about illegal political parties using other peoples' names, undermining the authorities among the population, telling lies like in the meeting of 5th January 2002 which brought together Security authorities in Kigali Town and the District authorities, giving wrong

information in writing to higher authorities of the country, misleading Security services and wrongly seeking for protection.

The Commission followed up this case in the District and found that MUNYANZIZA's complaints were founded and the District admitted that it owed him arrears, but due to financial constraints, they would pay him from the 2003 budget.

Concerning reasons for his dismissal, some employees of the District who did not want their names to be mentioned, confirmed that MUNYANZIZA sows no disunity among people and that all those other accusations were unfounded; only that he tells the truth about the Butamwa District authorities.

The Commission wrote to Butamwa District authorities requesting that MUNYANZIZA be paid his money and not kept in suspens.

The Commission finds that MUNYANZIZA was unfairly dismissed and this, without prior notice and without payment of arrears; a situation in which the Mayor of Butamwa District was seriously involved and played a big role.

The Commission vehemently requests the Butamwa District authorities to reinstate MUNYANZIZA in his rights.

2. Dismissal of Former P.V.K Employees.

On 4 January 2002, the Commission received a complaint of employees of the former Kigali Town Prefecture (P.V.K) who were dismissed without notice. These employees were dismissed as part of workers' reduction exercise after the Kigali City was officially established by the law. The authorities then realised that there were more employees than necessary. The Commission received the complaint from representatives of the dismissed workers, namely: RUBAGUMYA Innocent, JABO Jean URWINTWARI, KABAYIZA Rubega, RUTIKANGA Léonard, MUKABAGIRE Rose, KALISA Hussein and BAZATOHHA Pierre.

On 23 January 2002, the Commission had a meeting with M.V.K authorities including the Director in charge of Social Affairs and the Director of Women Affairs and Development. They said that they were going to look for these employees' salary arrears and that some of them had been reintegrated in their work. They promised to the Commission that they were going to do everything possible to pay these arrears not later than March 2002.

At the time of preparing this report, the Commission wrote to the Mayor of Kigali City, letter n° CNDH/392/03 of 28 January 2003, requesting him to give a copy of the document (evidence) bearing the signatures of those workers conforming payment and other documents showing some of these were reintegrated in their work.

In the letter n° 0643/07/.n.13/03 of 20 February 2003, Kigali City authorities sent a reply to the Commission sending evidence (documents) that those workers who filled in the forms and gave all the required identifications were paid their money through their Banks. The authorities

were waiting for the remaining workers to fill these conditions get their money. The workers who are said to have been reintegrated in their work are actually in their place.

3. Denial of Gratuity to GAPAGASI Jean Marie Vianney.

On 2 May 2002, GAPAGASI Jean Marie Vianney of Kizaro District brought to the Commission a complaint that he had been dismissed without leave allowance and that no contribution under his name had ever been put on Workers Savings Accountant.

Before mediating between GAPAGASI Jean Marie Vianney and his employer who is Caritas of Byumba Diocese, the Commission advised him not to rush to the court so that the Commission first requests the Inspector of Labour in Byumba Province to mediate the Caritas authorities and the person concerned.

The Commission approached the Caritas Representative in Byumba Diocese and explained to him that GAPAGASI should be paid leave allowances and his savings.

As the Commission had decided to mediate between the two parties through the relevant authorities, it requested the Byumba Labour Inspector to do the mediation and this was done on 20 May 2002. GAPAGASI received seventy two thousand Rwandan Francs (72,000 RWF) and a copy of the mediation report was given to the Commission. The case was settled amicably between the two parties.

Even though this was done, the Commission thinks that employers who don't contribute in the Social Security Fund for their workers should be brought to justice.

4. Denial of Terminal Benefits to HARERIMANA Désiré.

On 26 August 2002, HARERIMANA Désiré of Shyogwe Sector in Gitarama Town, wrote to the Commission complaining that his employer (The Kabgayi Diocese Carpentry) never gave him his gratuity when his contractual services were terminated.

The Commission brought together the two parties for mediation and the matter was settled immediately.

E. Health and Social Rights Issues.

1. Denial of Medical Test ("Expertise") to RINGUYENEZA Pierre Claver.

RINGUYENEZA Pierre Claver wrote to the Commission on 23 January 2002 claiming that an Eye Specialist Doctor at "*Centre Hospitalier de Kigali*", Dr. ABELOS operated his eye and the eye got destroyed.

The Commission wrote to the Minister of Health on 15 May 2002 requesting him to use his powers so that RINGUYENEZA gets required medical test (expertise). The Commission

found in its investigation that the “expertise” was done, but the results were not given to the concerned.

At the time this report was under preparation, the Commission wrote again to the Minister in its letter n° CNDH/388/03 of 24 January 2003, requesting him to give the “expertise” results to RINGUYENEZA Pierre Claver.

The Commission requests that all the patients seeking “expertise” results should get them with no difficulties.

2. The Case of People who were shifted from Gishwati.

The Rwanda National Commission for Human Rights followed up the case of returnees who settled in Gishwati forest without authorisation from the relevant authorities. This settlement caused progressive damage to it until the day when the Ministry of Lands, Resettlement and Environment decided to shift them to other districts.

From 21 to 23 September 2003, the Commission visited these people where they had been resettled to see the real problems facing them.

In Kibuye Province, Kajugujugu and Ruhanga temporary camps in Bwiza Sector, Rutsiro District, were visited; in Gikongoro Province, Nyarwungo camp in Mushubi District was visited; in Gisenyi Province, the Commission visited Kibihekane, Nkamira, Arusha, Mahoko, Gaseke, Muhayo and Nyirabikokoro camps in Karago, Mutura, Kanama, Gaseke and Gasiza Districts respectively; whereas in Gitarama Province, it visited Kigingwa camp in Ndiza District. Due to specific problems existing in Ndiza camp, a delegation of the Commission visited it on 18 October 2002, to see whether there was any progress.

In all visited camps, people insisted in general, that they were removed hurriedly and unexpectedly to the extent that many families were separated from their relatives and properties. Another thing they revealed to the Commission was the poor conditions they lived in. The major problems appeared to be the following:

- Smallness of the plots;
- Inadequacy and irregularity of food;
- Few sleeping and hygienic equipment;
- Lack of shelter accommodation;
- Long distances to health centres and schools.

After witnessing all those problems, the Commission, on 26 September 2002, wrote to the Minister of Lands, Resettlement and Environment and the Minister of State in the Ministry of Local Administration and Social Affairs calling for help to those people they had visited and requesting those authorities to carefully attend to those problems.

In spite of the fact that those people were removed hurriedly, relevant authorities reacted rapidly enough so as to satisfy their basic needs such as shelter accommodations, food, medicines, schools for children etc.

The Commission requests all Government authorities not to wait until situations become worse before decisions are made, as it was the case for Gishwati forest and the removal of people who had settled in it without authorisation.

2.2.2. Human Rights Promotion.

Regarding human rights promotion, the Rwanda Commission for Human Rights achieved the following:

- Human rights sensitisation activities to different categories of Rwandans;
- Human rights education activities.

2.2.2.1. Human Rights Sensitisation in General.

In the area of human rights sensitisation, the Commission organised lectures to different categories of the population and organised radio and television programmes.

A. Lectures for Various Groups.

a. Primary and Secondary School Teachers.

In the year 2002, the Commission presented public lectures in 50 secondary schools which were attended by pupils and teachers numbering about 20,777. They were centred on the vulgarisation and dissemination of the fundamental principles of human rights and child rights.

In general, all those trained requested the Commission to regularly explain them about human rights and assist them in forming Human Rights Clubs in their schools and give training to the existing ones.

b. Lectures to Administrative Authorities.

The Commission gave public lectures to administrative authorities including Cells Administrative Committees, Sectors and Districts, as well as Community Development Councils, Sector Coordinators, Sectors Representatives, various cooperatives, associations and various institutions. These lectures were mainly centred on the following themes:

- Fundamental Principles of Human Rights ;
- Human Rights, Good Governance and Development ;
- The role of leaders in the promotion and protection of human rights.

The participants were satisfied that human rights education helps them better understand their role in the general policy of decentralisation. They also requested that during these lectures enough time should be given for discussions.

c. Security Authorities.

These trainings and lectures were also given to Security authorities including Military, Police and Local Defence Forces attending "*Ingando*". The themes centred on Fundamental Principles of Human Rights and Code of conduct for armed groups.

All participants requested the Commission to organise many more lectures and be their spokesman concerning their daily problems at work.

d. Justice Authorities.

These lectures were given to justice authorities, including "Gacaca Judges" ("*Inyangamugayo*"), Gacaca Monitors and Prosecutors. The main themes focussed on were:

- Fundamental Principles of Human Rights;
- Human Rights in Gacaca Jurisdictions.

The participants requested to have regular training so as to better understand human rights, because justice is meant to protect human rights.

e. Religious Groups.

Human rights lectures were given to various religious groups and denominations. These included members of the clergy and secularism in the Roman Catholic Church, members of justice and Peace Commission, people who were in an Evangelisation Camp Meeting of the Assembly of Baptist Church in Rwanda, members of "*Giraneza*" Muslem Women Association, Mosque leaders and Dioces Representatives from the Presbyterian Church. The themes of these lectures were concerned mainly Fundamental Principles of Human Rights and the role of churches in human rights protection and promotion.

They were satisfied with the lectures delivered and their role in the construction and consolidation of the Rwandan Society; and requested that such lectures be extended to more church members and more regularly.

f. Prisons.

Public lectures were delivered in Gikongoro and Gisenyi main Prisons. Prisoners were given lectures and information on Fundamental Principles of Human Rights, prisoners' rights and laws governing arrests and detentions. They requested the Commission to follow up cases of illegal detentions in particular.

g. Youth Associations.

Lectures were given in Scouts Meetings and "Ingando", Xaveri Groups and Human Rights Youth Clubs. Themes were centred on Fundamental Human Rights Principles, Children's Rights and the role of the youth in the human rights protection and promotion.

In their recommendations, they said that the youth is the strength of the nation. Hence they found that more training on human rights would strengthen further the youth in building the nation.

h. Vulnerable Groups.

A public lecture was organised for Genocide survivals and participants in the activities of the Genocide mourning week. Lectures were also given in Orphanage of S.O.S Associations and to members of an association known as "*Communauté des Autochtones Rwandais*"-community of Rwandan autochtones.

B. Radio and Television Programmes.

For better sensitisation of Rwandans on human rights, the Commission covered various themes in its weekly programme: "*Uburenganzira iwacu*" which is broadcasted every Friday on Radio Rwanda, from six thirty to seven o'clock in the evening. It also presented different programmes on Rwanda Television.

a. Radio Programmes

On Radio Rwanda, the following themes were broadcasted:

Summary of programmes broadcasted by Radio Rwanda in " <i>Uburenganzira iwacu</i> " for the year 2001.
Planned activities of the Rwanda Human Rights Commission for the year 2002 in the promotion and protection of human rights.
The role of the population in the protection of human rights: Gacaca Jurisdictions and Human Rights.
The role of Government institutions in the protection of human rights.
The Principle of the Commission's autonomy in carrying out its duties.
" <i>Guterura</i> " or forced marriage is one way of violating Human Rights in general and Women Rights in particular.
Human Rights Sensitisation in Secondary Schools.
Illegal arrests and detentions as human rights violations.
The International Day Against Racism which is violation of Human Rights
Racism as a Human Rights violation.
Fighting Racism.
Compensation in Genocide Cases and Human Rights.
How the Commission views the issue of violence against children in our country.

Rights to Employment.
Situation of Human Rights, particularly the Right to Employment, in Gisenyi Province.
Emphasis on Civic Education on elections is a strong basis with regard to Human Rights.
Armed forces in the fight for Human Rights Promotion, and understanding Human Rights Principles and the link between these Principles and Armed Forces Duties.
Higher learning institutions candidates are ready to be sensitisers and promoters of Human Rights in our country.
African Child's Rights.
Preparedness of the Commission in monitoring Human Rights Respect in Gacaca Jurisdictions.
Running of Gacaca Jurisdictions and Human Rights.
Arrests and Detentions in Gacaca Jurisdictions.
On the Commission's Report for the Year 2001.
Human Rights situation in Umutara Province.
Human Rights situation in Kibungo Province.
Principle of Freedom of Faith and Thought.
The understanding of Human Rights Promotion and Protection among University Candidates and their role in this.
The Media and Human Rights in our country.
Judicial Reform and Human Rights in Rwanda: The Supreme Court.
Judicial Reform and Human Rights in Rwanda: Nature and Powers of the District Court and its usefulness to the people.
Views of Members of the Justice and Peace Commission in Ruhengeri Diocese on Human Rights and their opinion on the education provided by the Rwanda Commission for Human Rights.
Judicial Reform and Human Rights: the Provincial Court, the Supreme Court and the National Council of Magistrates.
Rights to Freedom: Temporal release of some Genocide suspects in Kimironko/Remera Prison.
The role of Human Rights in National Development.
On the Draft of the Rwanda Human Rights Charter.
Views of the Bicumbi District Court in Kigali Ngali Province on Human Rights.
Tolerance and Human Rights.
The Human Rights Commission Programme of sensitisation on Children's Rights and its launching through children themselves.
International Human Rights Day and the stage reached by our country in the promotion and protection of these rights.
Issues to keep in mind in commemorating International Human Rights Day and some of the Commission's activities in the protection of these rights.
Rights of the Disabled.
How Bicumbi District youth view Human Rights in their area.

b. Television Programme.

The following programmes were presented on Rwanda Television:

- The role of Human Rights in National Development ;
- In Programme "Kubaza bitera kumenya", the following issues were discussed:
 - The importance and role of the Human Rights Day, the importance and role of the Universal Declaration on Human Rights and International Convention on Prevention and Punishment of the Crime of Genocide ;
 - The stage reached by Rwanda in the Human Rights Protection and Promotion, the role of the Rwanda Commission for Human Rights and other Governmental and Non Governmental Institutions ;
 - Special issues interfering with Human Rights, including Poverty and HIV/AIDS.

C. Activities regarding commemoration of Human Rights Days.

At international and national levels, there are Annual Human Rights Days.

In the year 2002, the Commission commemorated the following Days:

a. 8 March: Women's Day.

The Commission and its staff took part in commemorating that day. The Commission also distributed written documents on Women's rights to more than 2000 people gathered in Butamwa, where the Day was celebrated at National level.

b. 21 March: International Day Against Racism.

On this day, a message was written on banderols and placards and put in public places of Kigali City. Moreover, the President of the Commission delivered a message over Rwanda Radio and Television.

c. 16 June: African Child Day.

The Day was celebrated at a national level in Gikongoro Province, in Nshili District. The theme was: "*Tumenye uburenganzira n'inshingano z'umwana, tumurengere*" (Let us know the rights and duties of a child and protect him). The Commission gave a message to Rwandans using banderols in all Provinces of Rwanda and Kigali City. This message was meant to sensitise Rwandans to the respect that should be given to the laws protecting children's rights. The Commission was also represented in the ceremonies.

d. 20 June 2002: International Refugee Day.

The Day was celebrated at national level in Byumba, in Congolese Refugee Camp of Gihembe. The Commission was also represented in those ceremonies.

e. 10 December 2002: Human Rights Day.

In commemoration of this Day, on 10 December 2002, a conference was organised at *Hôtel Novotel Umubano*. This conference was directly transmitted on Rwanda Radio and Television. It mainly focussed on the importance and role of the Human Rights Day, the importance and role of the Universal Declaration on Human Rights and International Convention on Prevention and Punishment of the Crime of Genocide, the stage reached by Rwanda in the Human Rights Protection and Promotion, the role of the Rwanda Commission for Human Rights and other Governmental and Non Governmental Institutions.

The conference also covered some specific issues interfering human rights, such as poverty and HIV/AIDS. A conference was also organised in Kibuye in connection with that day.

A press release was also published in various papers. In short, the release showed the role and importance of a Human Rights Day, the progress made by Rwanda in protecting and promoting human rights, as signatory to the the 1948 Universal Declaration of Human Rights; and the role the Commission has played in this respect during the three years of its existence.

Banderols and placards were put in public places here and there in the country.

On 9 and 10 December 2002, the Commission, through Radio and Television, transmitted a message on these Annual Days, reminding Rwandans about the International Convention concerning Prevention and Punishment of the Crime of Genocide as well as the Universal Declaration on Human Rights. In his message, the President of the Commission explained the background of the Human Rights International Day. The Day has its origine in the Universal Declaration on Human Rights signed and ratified by the United Nations Organisation on 10 December 1948, in Geneva. Rwanda became signatory to this Declaration on 18 September 1962.

The President of the Commission also presented a synopsis of achievements of the Commission in the protection and promotion of human rights.

D. Human Rights Clubs activities.

Training was organised for members of Human Rights Clubs, especially in secondary schools of Butare, Kigali Ngali and Byumba Provinces. In promoting activities of this clubs, drama and theatre competitions were organised and winning Club was rewarded.

2.2.2.2. Human Rights Education for specialised groups.

Regarding human rights education, the Commission organised several-days seminars for various categories of people.

A. Administrative Authorities.

In the year 2002, the Commission gave training to members of the Districts and Towns Executive Committees and about 125 workers at provincial level, in Cyangugu, Kibuye and Butare Provinces. Seminars were also organised for 92 members of Women Associations in Umutara Province and 113 Sectors and Towns Coordinators of Cyangugu Province.

The seminars were centred on the following themes:

- Basic and Fundamental Principles of Human Rights,
- Principles and laws governing everybody's freedoms, as well as laws governing arrests and detentions,
- Women's rights in Rwandan laws and their current situation,
- Children's rights in Rwandan laws and their current situation,
- The situation of human rights in the country and the role of leaders and people in their protection and promotion,
- Good Governance, development and mediation techniques,

Participants appreciated the way the seminars were conducted and requested that they be extended to local levels, especially the Cell and Sector levels.

B. Security Authorities.

In training Security Authorities, in the year 2002, the Commission organised seminars for 100 members of the Police, 30 Soldiers and 30 Prison Wardens from various Provinces and Brigades. Those seminars took place in Kibuye, Gitarama, Ruhengeri and Gisenyi Provinces.

The Security Authorities were trained in the following:

- Basic Principles of Human Rights,
- The situation of human rights in the country and the role of Police and people in their protection and promotion and the role of Police in good governance,
- Principles and laws governing everybody's Freedoms,
- Laws governing arrests and detentions, detainees and prisoners' rights,
- International Convention against Torture and Inhuman and Degrading Treatments,
- Code of conduct of those reinforcing laws and security,
- Role and duties of Prosecutors on human rights issues,
- Women and Children's rights in Rwanda and the role of Prosecutors in protecting them.

They recommended good working relationship between security authorities and other administrative institutions and that seminars on human rights should be organised for different institutions concerned with security.

C. The Youth.

By the end of 2002, the Commission had trained 32 members of youth organisations, 106 students from some secondary schools and universities and 136 members of Human Rights Clubs. Those training seminars which took place in Butare, Kigali Ngali, Byumba Provinces and Kigali City centred on the following themes:

- Fundamental Principles of Human Rights
- Human Rights in a country of Rule of Law,
- Human Rights in Gacaca Jurisdictions,
- Women's and Children's rights in Human Rights Conventions and Rwandan Laws,
- Human Rights of Vulnerable Groups,
- Rights of Minority Groups and Disabled,
- Problems facing human rights in Rwanda and the role of the youth in solving them.

The students who attended seminars expressed their wish that the Commission should play a role in creating other Human Rights Clubs in the promotion of human rights and continue training the already existing Clubs.

D. The Journalists.

From 22 to 23 September 2002, in Kigali City, the Commission organised a training seminar for about 47 journalists from the Public and Private Media.

The seminar focussed on:

- Fundamental Human Rights Principles,
- Freedom of expression and of receiving information in International Laws,
- The situation of freedom of expression in Rwanda and the Media in the Rwandan laws today,
- The Historical background of human rights in Rwanda,
- The role and power of the Media in human rights protection and promotion in normal and crisis situations,
- The role of the Media in Genocide and its contribution in fighting Genocide Negationism Philosophy,
- The required working relationship between Governmental, Public and Private Media Institutions in the protection and promotion of human rights.

At the end of the seminar, the journalists expressed the following :

- The Media has an important role in educating, protecting, defending and promoting human rights, although newspapers fear to publish news on hinderances and violations of human rights;
- The Media which played a big role in instigating people to commit Genocide and which still plays a role in the Genocide Negationism Philosophy;
- In the Law Governing the Media, there are some unclear articles which may hinder the freedom of expression among the Media.

After that analysis, the Journalists gave the following recommendations :

- Giving freely information on human rights in accordance with the Journalism Principles and Ethics, through Media Houses, Institutions and Associations;
- Making efforts to master Human Rights Principles and Laws on Human Rights and other related issues. They requested to get more training on Genocide related laws and to have legally established sanctions and punishments to negationists and perpetrators of Genocide among Rwandans;
- Getting the Authorities of Media Institutions to facilitate access to information on human rights violations, and the Media Associations should closely follow up Journalists conduct in their profession;
- Governmental Institutions, especially the Judiciary and Security Services should facilitate the work of the Media in its investigations on human rights violations;
- Reviewing the Law governing the Media so as to make it more comprehensible.

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1.2.3. Development of the Commission.

1.2.3.1. Recruitment and Staffing.

By the end of the year 2002, the Commission had recruited about twenty two (22) workers: including two (2) Heads of Sections and twenty (20) other employees. They all started working on 2 January 2002.

1.2.3.2. Staff Training.

The basic training of the Staff of the Commission during the year 2002 was done in Rwanda and abroad. The training focussed mainly on the following themes:

- Human Rights Protection;
- Human Rights Investigation Techniques;
- Mediation and Conciliation Techniques and Skills;
- Documentation;
- Internet Communication (Website).

A. In the Country.

From 22 to 27 May 2002, at "*Centre de Pastorale Saint-Paul*", in Kigali, 32 members of Staff were trained in Human Rights Principles. Those trained were Heads of Departments, Heads of Sections and Heads of Provincial Antenna. The training was conducted by Professor Michelo Kennedy HANSUNGULE from Zambia, a Consultant Professor of Human Rights at Raoul Wallenberg Institute in Sweden and at the University of Pretoria in South Africa. He was assisted by NTAGANDA Eugène, a lawyer from Butare University.

From 16 to 22 July 2002, at Kicukiro Training Center in Kigali, 32 members of Staff were also trained in Human Rights Investigations Techniques. They included Heads of Departments, Heads of Sections, Heads of Provincial Antenna and employees in the Civil and Political Rights Department, Socio-Economic and Rights to Development Department as well as Legislation and Litigation Department. Among those trained, there were also two (2) Representatives of the Unity and Reconciliation Commission and one from CLADHO. This training was conducted by Pearl ELIADIS, a Canadian Consultant in Law and an Expert in Human Rights.

Immediately after the training, these members of Staff started another training in Mediation and Conciliation Techniques which started from 23 to 26 July 2002. The training was again conducted by Pearl ELIADIS, assisted by NTAGANDA Eugène.

From 26 to 29 November 2002, at Kicukiro Training Center in Kigali, twenty nine (29) members of Staff were trained in Mediation and Conciliation Techniques. The training was intended for Assistants to the Heads of the Provincial Antenna of the Commission and the Staff members who had not taken part in the previous training. This training was conducted by some of those who had been trained in the first phase.

From 27 November to 6 December 2002, at the Headquarter Office of the Commission in Kigali, four (4) workers were trained in Internet Communication (Website) by a Danish Professional Consultant, Henrik LINDHOLT.

From 12 to 14 December 2002, at Murambi Training Centre in Gitarama, twenty six (26) members of Staff were trained in Documentation Techniques and Office Management. Those trained include those from the Offices of the Commission in various Provinces and some from the Headquarter Office dealing with administration services. The training was conducted by and supervised by the Rwanda Institute of Administration and Management (RIAM).

B. Abroad.

From 15 to 26 July 2002, the Head of Civil and Political Rights Department went for training on Human Rights at the University of Abomey-Calavi, Cotonou in Benin.

From 23 September to 18 October 2002, the Head of Department for Social, Economic, Cultural and Rights to Development went for training on Human Rights Protection at "*Ecole Nationale d'Administration*", in Paris, France.

The Head of Section for Justice Administration went on a Master's Degree Course in Human Rights at "*Université Catholique de Lyon*" in France for the academic year 2002-2003.

From 23 September to 18 October 2002, the Head of Legislation and Litigation Department attended a training course on Equal Rights for Women at Raoul Wallenberg Institute in Sweden.

2.2.3.3. Projects Prepared, Implemented and Monitored.

In the year 2002, the following projects were prepared and implemented:

A Project on Human Rights for District and Town Administrative Committee members of Butare Province, sponsored by the Catholic Relief Service (CRS). A total of 48 people were trained in three phases: from 26 to 28 September, from 2 to 4 October and from 19 to 21 December.

There was also a Project for training the Police (OPJ) on Human Rights in Butare Province, sponsored by TROCAIRE;

A Project to train the Police and Prison Wardens on Human Rights in Cyangugu Province was sponsored by HELPAGE Rwanda. From 30 to 31 January, about 30 members of District and Town Administrative Committees were trained. From 23 to 25 October 2002, 113 Sector Coordinators were trained. A Project to train Policemen and Prison Wardens in Kibungo Province has been prepared and will be implemented at the beginning of the year 2003.

A Project to train women grass root leaders on human rights in Umutara Province was sponsored by Lutheran World Federation (LWF) and CARE International.

The Commission also has a Project sponsored by European Union on Gacaca Monitoring signed in September 2002. At the time of writing this report, the Project was under implementation.

The Project RWA/AH/42 which changed to RWA/02/001 was sponsored by the United Nations High Commission for Human Rights. The first phase of this Project ended on 31 December 2002 and the second will end on 30 June 2003.

Jointly with the Canadian Co-operation, the Commission has prepared a Project for training and research on violations done to women. This project will be implemented with effect from July 2003.

A research Project on violence against children has been prepared. Its first phase aimed at collecting data on violence done to children was completed in July and August 2002. The second phase of the Project which is the actual research is still to be implemented.

An other Research Project on the situation of human rights in Rwanda has been prepared and will be implemented as soon as funds are available.

The Project to train Staff Members of the Commission on handling and exchange of complaints brought to the Commission, through automatised system, has been prepared and implementation is scheduled to start in the year 2003, with assistance from the British Embassy in Rwanda.

A Project to integrate Human Rights education in secondary schools curriculum was implemented jointly by the Commission, the Ministry of Education and Scientific Research (MINEDUC) and the International Red Cross Committee. Its first phase started on 19 August 2002 and ended on 23 October 2002. The curriculum for the first three years of secondary school (Tronc Commun) has already been prepared.

A Project was carried out to sensitise the population on Children's Rights through organised competitions regarding children's creativity (songs, drama, art). These pieces of art centered on promoting and vulgarizing the Law n° 27/2001 of 28 April 2001 concerning Children's Rights and Protection of the Child against Violence. The song competition involved the children living in Youth Centres of Kigali Ngali Province and Kigali City. Drawing competition on human rights themes was done by primary school pupils of Gikongoro, Cyangugu, Kibuye, Kibungo, Umutara and Ruhengeri Provinces; while drama competition concerned secondary school students of Gitarama and Gisenyi Provinces.

2.2.3.4. Opening of the Commission Documentation Centre.

In January 2002, the Documentation Centre of the Commission was opened and received basic equipment including books, mainly related to human rights, and newspapers. This Documentation Centre helps Staff members of the Commission and outsiders to do research.

2.2.4. Co-operation with Other Institutions.

As the Commission usually has co-operation with other Institutions in carrying out its mission, in the year 2002, it had co-operation with different Governmental Institutions, Non Governmental Institutions working in Rwanda, donors and friends of the Commission. This co-operation is reflected in the achievements summarised below:

2.2.4.1. Rwanda Government Institutions.

A. Co-operation with the Ministries.

a. Ministry of Local Administration, Social Affairs and Information.

This year, the Commission followed up the implementation of activities agreed upon in the year 2001, on mutual co-operation between the two institutions, especially in the field of training leaders at various levels, organised by the Ministry's project in charge of monitoring of decentralization programme (DMU). The training of trainers organised by this project, included a theme on human rights such that among the trainers of local leaders at different levels throughout the country, there was always an employee of the Commission. Similarly, a training was organised on Children's Rights and Civic Education.

b. Ministry of Youth, Sports and Culture.

The Co-operation between the two Institutions was characterized by regular exchange of views. It is this connection that the Commission took part in the preparation of Heroes Day and Genocide Mourning Week and gave public lectures relating to this event, at the 8th Commemoration of the 1994 Genocide.

c. Ministry of Education, Technology and Scientific Research.

The Rwanda Human Rights Commission, in collaboration with Ministry of Education, Technology and Scientific Research prepared a curriculum on human rights to be included in schools. They also prepared a co-operation strategy between the two institutions, but at the time this report was under print, the agreement of cooperation had not yet been signed.

d. Ministry of Gender and Women Development.

The Staff of the Commission were trained by the Ministry of Gender and Women Development on Gender issues. The Commission also took part in the preparation of research on violence against children and women organized by the Ministry of Justice and Institutional relations in collaboration, with the Ministry of Gender and Women Development. In this line of partnership, the Commission has nominated a person to monitor the implementation of Gender policy in the Commission.

B. Co-operation with Security Authorities.

- **National Army.**

In the year 2002, the first phase of a joint Project between the Commission, United Nations Children Education Fund (UNICEF) and the Ministry of Defence aimed at sensitising the National Army on the protection of children, especially during war times and time of crisis , was implemented.

At the time of printing this report, the second phase of this Project was ongoing.

- **National Police.**

Co-operation between the National Police and the Commission was characterized by seminars intended for the National Police on various themes given to Police in the Provinces, on human rights.

C. Co-operation with Other Commissions.

➤ **Unity and Reconciliation Commission.**

In "Ingando" prepared by the Unity and Reconciliation Commission destined to various groups of people, the National Human Rights Commission plays a role in giving lectures on human rights. Likewise, in the training the Commission organises, it invites the Unity and Reconciliation Commission which, in fact, takes part also in trainings for soldiers organised jointly by the Commission and UNICEF.

In reintegrating Rwandan returnees who had fled the country in 1994, trainings were organised in "Ingando" to help them resettle in their new kind of life. The Rwanda Commission for Human Rights also prepared lectures for them on their rights and those of others and how to safeguard these rights.

The Commission also trained employees of the Unity and Reconciliation Commission in investigating on human rights violations, as well as Mediation and Conciliation Techniques without necessarily going to courts.

➤ **Constitutional and Legal Commission.**

The Commission made contribution in the preparation of the National Constitution by providing the Constitutional and Legal Commission with the draft on the Rwandan Charter for Human Rights to be included in the Constitution.

➤ **Demobilisation Commission.**

Regarding collaboration between the two institutions, whenever there is an "Ingando" for demobilised soldiers, the Rwanda Human Rights Commission plays a role in giving lectures relating to Human Rights.

➤ **Electoral Commission.**

The two Commissions worked together to prepare documents on Civic Education, brochures and pamphlets and in sensitising Rwandans to come openly and massively for elections. The prepared lectures included those on human rights, and the Commission workers will take part in following up these lectures. Some of the lessons also were given by Staff members of the Rwanda Human Rights Commission.

2.2.4.2. Friends of the Commission.

• **Co-operation with Embassies.**

➤ **Canadian Embassy.**

It gave to the Commission support that will help in the training and research on violations against women. It also signed an agreement of co-operation in sensitising Rwandans on Children's Rights (National Sensitisation Campaign on Children's Rights).

➤ **Swiss Embassy.**

The Swiss Embassy Co-operation Office supported the Commission Antenna in Kibuye. Although the Project ended in September 2002, there is strong hope that this co-operation will be extended to all Provinces in the country. In December 2002, a training on Administrative Information Management, was organised in Murambi, Gitarama Province, for all Commission workers in the Provinces under the sponsorship of the Swiss Embassy.

➤ **French Embassy.**

The French Embassy in Rwanda supported the Commission by sponsoring the Head of Department for Social, Economic, Cultural and Rights to Development to attend a course at National School of Administration in Paris "*Ecole Nationale d'Administration de Paris*".

➤ **British Embassy.**

This Embassy promised to support the Commission the training of its Staff on automated complaints handling system.

➤ **Embassy of Sweden.**

It supported the Commission by sending to Raoul Wallenberg Institute the Head of Legislation and Litigation Department for a short course training on Human Rights.

➤ **German Embassy.**

It sponsored the competitions organised by the Commission on Children's Rights for Primary schools pupils of Umutara, Kibungo, Gikongoro, Ruhengeri Provinces.

2.2.4.3. Co-operation with Donor Organisations.

• **The United Nations High Commission for Human Rights (UNHCHR).**

In the context of its co-operation with the Commission, this Organisation, through the UNDP, supported the Commission in sponsoring the following human rights trainings:

- Fundamental Principles of Human Rights;
- Investigation Techniques;
- Mediation and Conciliation.

• **United Nations International Children's Emergency Fund (UNICEF).**

UNICEF collaborates with the Commission in the project regarding education and sensitisation of the National Army on the promotion and protection of Children's Rights during peaceful times, war times and time of crisis.

• **United Nations Educational, Scientific and Cultural Organisation (UNESCO).**

Its Human Rights Branch supported the Commission in capacity building by sending some Staff members of the Commission to Benin for training in human rights.

• **European Union.**

The European Union signed a co-operation agreement with the Commission through a project of support to a State governed by the rule of law, to strategies for promotion of human rights and reconciliation in the country. This Project which aims at monitoring Gacaca Jurisdictions shall last for three years.

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2.2.4.4. Co-operation with Non Governmental Organisations working in the Country.

- **Foreign Organisations working in the country.**
 - **CATHOLIC RELIEF SERVICE (CRS)** : It sponsored the training of District and Town Administrative Committees in Butare Province and promised to continue its support any time the Commission will present projects, especially those aimed at sensitisation of the population and local administration leadership on human rights principles.
 - **TROCAIRE** : Supported the Commission in training the Police (OPJ) in Butare Province.
 - **LUTHERAN WORLD FEDERATION (LWF)** : Supported the Commission by training women in local administration, in Umutara Province. It also promised to continue its support in other Human Rights trainings.
 - **CARE INTERNATIONAL** : Supported the Commission in trainings intended for Women Associations in Umutara Province.
 - **DED** : Provided a Consultant to help the Commission in the preparation of Human Rights Curricula for schools and in organising competitions on human rights, in the Provinces.
- **Local Non Governmental Organisations.**

The Commission had cooperation with Local Non Governmental Organisations but this was done through association groups : CLADHO, PRO-FEMMES, CCOAIB, CESTRAR, IBUKA and HAGURUKA. This co-operation was reflected in the seminars the Commission had together with some of these associations, on anticorruption, tolerance, children and women's rights. There was also information exchange and consultations.

A Forum bringing together the Commission and different Organisations involved in monitoring Gacaca Jurisdictions was created. The Forum is chaired by the Commission.

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III. FINANCIAL REPORT.

3.1. Introduction

This Financial report for the year 2002 is based on the following main items :

- Balance on the previous years ;
- Funds allocated to the Commission in the Ordinary Government Budget for the year 2002 ;
- Funds received by the Commission from Government ;
- Funds received by the Commission from Donors ;
- Funds spent by the Commission ;
- The Office structure.

As shown in the previous report, at the end of the year 2001, the Commission had a balance of two hundred seventeen million, eight hundred and three thousand, eight hundred nineteen Rwandan Francs (**217,803,819 RWF**). This balance comprises mainly provisions for expenditure on Staff, because workers were not immediately recruited.

In the year 2002, the Commission's budget had been estimated at one billion five hundred twenty seven million, five thousand and nine hundred Rwandan Francs (**1,527,005,900 RWF**).

The Commission was allocated by the Rwanda Government as annual budget for the year 2002, a total of six hundred sixty nine million, ten thousand and four hundred thirty three Rwandan Francs (**669,010,433 RWF**).

What the Commission received was five hundred twenty one million, three hundred thirty thousand, four hundred and two Rwandan Francs (**521,330,402 RWF**). This means that there is one hundred forty seven million, six hundred eighty thousand and thirty one Rwandan Francs (**147,680,031 RWF**) which the Commission did not get.

The Commission also received from donors an amount of one hundred forty seven million, six hundred thirty thousand, five hundred ninety two Rwandan Francs (**147,630,592 RWF**).

The total amount used in the year 2002, is six hundred sixty four million, three hundred and three thousand twenty nine Rwandan Francs (664,303,029 RWF).

On 31 December 2002, the Commission had a balance of seventy four million, eight hundred thirty one thousand, three hundred seventy six Rwandan Francs (**74,831,376 RWF**).

3.2. Expenditure of Funds from Government Budget for the year 2002.

Justification of the money received by the Commission from the Government budget for the year 2002 is shown in the table below:

Budget line	Accepted amount	Amount received	Amount used	Balance for 2002	Surplus	Total Balance
Balance for the Year 2001		217,803,819				
1. Administration	301,294,540	276,186,658	227,852,319	48,334,339		
2. Durable Equipment						
2.1. Technical Equipment	3,252,000	2,168,000	24,097,474		21,929,474	
3. Sub Total						
3. Daily Routine Expenditures						
3.1. Office Daily Equipment	14,087,287	9,391,525	14,888,301		5,496,776	
3.2. Printing	12,075,750	8,050,500	12,376,228		4,325,728	
3.3. Publication / Newspapers	11,240,000	7,493,333	13,786,849		6,293,516	
3.4. Water & Electricity	7,800,000	5,200,000	1,711,285	3,488,715		
3.5. Fuel	31,362,440	20,908,293	29,331,301		8,423,008	
3.6. Miscellaneous	650,000	433,333	24,138,869		23,705,536	
3.7. Translations	5,133,000	3,422,000	3,477,641		55,641	
3.8. Vehicle maintenance	10,000,000	6,666,667	18,490,875		11,824,208	
3.9. Technical equipment maintenance	4,800,000	3,200,000	5,600,761		2,400,761	
3.10. Travel abroad	10,202,000	6,801,333	2,737,450	4,063,883		
3.11. Transport in the country	800,000	533,333	186,200	347,133		
3.12. Missions in the country	24,165,600	16,110,400	21,717,513		5,607,113	
3.13. Mission abroad	20,037,000	13,358,000	18,734,554		5,376,554	
3.14. Other expenditures abroad	6,000,000	4,000,000		4,000,000		
3.15. Office rents	83,509,576	55,673,051	73,729,576		18,056,525	
3.16. Postage	7,136,000	4,757,333	2,006,285	2,751,048		
3.17. Press	1,050,000	700,000	4,230,088		3,530,088	
3.18. Various trainings	36,887,070	24,591,380	25,705,032		1,113,652	
3.19. Training Commissioners & Staff	2,400,000	1,600,000	1,758,000		158,000	
3.20. Consultancy	18,473,170	12,315,447	3,565,033	8,750,414		
3.21. Fax & Phones	12,455,000	8,303,333	28,493,657		20,190,324	

3.22. Vehicle insurance	10,000,000	6,666,667	5,165,528	1,501,139		
3.23. Receptions	2,200,000	1,466,667	2,590,503		1,123,836	
3.24. Security	29,000,000	19,333,333	6,108,692	13,224,641		
3.25. Basic Humanitarian Services	3,000,000	2,000,000		2,000,000		
SUB TOTAL	364,463,893	242,975,928	320,530,221	40,126,973	117,681,266	
TOTAL	669,010,433	739,134,405	572,480,014	88,461,312	139,610,740	
ARREARS			91,823,015¹		91,823,015	
GRAND TOTAL	669,010,433	739,134,405	664,303,029	88,461,312	231,433,755	74831376
Money the Commission had not yet received by 31/12/2002				16,707,012²		

Source: Accounts documents of the Commission of the year 2002.

Explanations on the budget received from the Government as used by the Commission

As indicated in the table, actual expenditure on administration was less than estimates. There was balance of forty eight million, three hundred thirty four thousand, three hundred thirty nine Rwandan Francs (**48,334,339 RWF**). This was because new Staff members expected could not be recruited.

Expenditure on technical equipment went up because there were some computers and their accessories purchased for provincial offices which had not been budgeted for in this year.

Another thing this table reveals is that telephone bills were very high. This was due to the type of work requiring frequent use of telephone to communicate with those who bring complaints to the Commission as well as different institutions supposed to settle them.

Expenditure on vehicle maintenance also went up because the vehicle are getting old cars (most of them are over three years), operating on fields, reason why they often go to garages for servicing hence using a lot of money.

Expenditure on miscellaneous activities also went high because a new car was purchased for the new Commissioner, as the one allocated to him earlier had been badly damaged in a road accident. There were also many other things not provided for in the budget but had to be spent on.

Expenditure on printing and publication also was high because because a lot was done to advertise the Commission which up till now continues to get stronger and stronger and to make human rights known to people.

On almost all the other budget lines, the expenditure was greater than the funds the Commission received. The reason was that the Commission did not receive some of the money

¹ "Money spent by the Commission on projects before their budgets were made available".

² "Expenditure on items bought in 2002 but which the Commission had not paid for by 31 December 2002".

allocated to it in the Government budget for 2002. The difference was compensated by the balance on the Commission's budget for previous years.

There was great balance on provisions for travel abroad remained because expenses on Commissioners and members of Staff travel abroad for training or other missions, were mostly met by their sponsors.

Other funds for mission were not used because the Commission had planned to invite experts from abroad to help in various activities but this was not done.

There was balance on funds meant for Consultants because, up to now, some research programmes the Commission intends to conduct have not started yet.

There was also balance on funds for security services, because up to now no professional security has been provided for provincial offices.

3.3. Expenditure of Endowments from Donors in the year 2002

In the year 2002, the Commission received from Donors a total of one hundred forty seven million six hundred thirty thousand five hundred ninety two Rwandan Francs (**147,630,592RWF**). Of this, the Commission used sixty five million, one hundred fifty eight thousand, nine hundred forty six Rwandan Francs (**65,158,946 RWF**). By the end of the year, the Commission was remaining with eighty two million four hundred seventy one thousand four hundred forty six Rwandan Francs (**82,471,646 RWF**). Much of this money was given towards the end of the year, and some is meant for activities planned for the year 2003.

The utilisation and sources of these funds are indicated in the table below:

Donor	Purpose	Amount given	Amount used	Amount not used
UNHCHR*	Training & Capacity building of the Commission	29,792,001	9,959,692	19,832,309
EUROPEAN UNION	Gacaca Monitoring	48,779,404	-----	48,779,404
UNICEF	Training	23,882,427	12,090,227	11,792,200
CANADIAN COOPERATION	Training	5,908,500	4,184,800	1,723,700
Swiss Cooperation	Training	4,534,500	4,190,467	344,033
DED/GTZ/ German Embassy	Training & Promotion of Human Rights	31,204,805	31,204,805	0
CRC	Training	1,463,500	1,463,500	0
TROCAIRE	Training	1,085,055	1,085,055	0

* United Nations High Training Commission for Human Rights

HELPAGE RWANDA	Training	980,400	980,400	0
GRAND TOTAL		147,630,592	65,158,946	82,471,646

Source: Accounts documents of the Commission for the year 2002.

Explanation on Expenditure of Funds from Donors.

The Commission received from the United Nations High Commission for Human Rights, an amount of twenty nine million seven hundred ninety two thousand one Rwandan Franc (**29,792,001 RWF**). This money was meant to train the Commission Staff on Human Rights, and capacity building. The Project continues in the year 2003 and will end in June 2003.

The European Union gave to the Commission an amount of forty eight million seven hundred seventy nine thousand four hundred and four Rwandan Francs (**48,779,404 RWF**). This assistance was meant for Gacaca Monitoring. This money was given at the end of 2002 and the Project continues in the year 2003.

The United Nations Children's Education Fund (UNICEF) gave to the Commission an amount of twenty three million, eight hundred eighty two thousand four hundred twenty seven Rwandan Francs (**23,882,427 RWF**). This amount was meant to train Military and Police on their conduct towards children before, during and after war times. This Project continues in the year 2003.

The Canadian Co-operation in Rwanda gave to the Commission five million nine hundred and eight thousand five hundred Rwandan Francs (**5,908,500 RWF**). This fund was used to promote Children's Rights.

The Swiss Co-operation in Rwanda gave to the Commission four million five hundred thirty four thousand five hundred Rwandan Francs (**4,534,500 RWF**). This money was used to train District and Town Mayors, as well as the Police and Prisons Wardens working in Kibuye Province.

German Embassy, GTZ and DED used thirty one million two hundred and four thousand eight hundred and five Rwandan Francs (**31,204,805 RWF**) for Training and Human Rights Promotion.

CRS (Catholic Relief Service) gave support to the Commission's Provincial Office in Butare. This fund amounting to one million four hundred sixty three, five hundred Rwandan Francs (**1,463,500 RWF**) was used to train District and Town Administrative Committees of Butare Province on human rights.

A Non Government Organisation, "TROCAIRE", supported the Commission with an amount of one million eight five thousand fifty five (**1,085,055 RWF**) and was used to train Prosecutors in Butare Province.

A Non Government Organisation "HELPAGE Rwanda" gave to the Commission an assistance of nine hundred eight thousand four hundred Rwandan Francs (980,400 RWF). This fund was used to train District and Town Administrative Committees, as well as Sector Coordinators in Cyangugu Province.

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IV. GENERAL CONCLUSION, PERSPECTIVES FOR 2003 AND RECOMMENDATIONS.

4.1. General Conclusion.

4.1.1. Human Rights Protection.

In the field of Human Rights Protection for the year 2002, the Rwanda Human Rights Commission received and followed up various cases of human rights violations in Civil and Political, Social, Economical, Cultural and Rights to Development. Apart from those brought by the people, there are others the Commission handled at its own initiatives.

The Commission also continued follow up of cases presented to it during the year 2001, but could not be finished before the end of the year.

Apart from following up these cases, the Commission also visited various prisons and cells to see whether detainees and prisoners' rights are respected and give relevant suggestions on the implementation these rights.

Concerning human rights violations in Civil and Political Rights, the Commission received complaints at the Head Office, as well as its Provincial Offices. Most of the cases are about illegal arrests and detentions. Among them are cases of detentions without supporting dossiers, spending more days than provided by the law at Police Station before the accused is brought before the Judge, detentions without investigation, arrests and detentions by unauthorised people.

The Commission is still concerned about these illegal arrests and detentions which continue, although it never ceased condemning them during the past three years. An example is the detention of people because of failure to pay debts, which is contrary to article 11 of the International Convention on Political and Civil Rights, stipulating that nobody should be detained because of failure to honour his contractual obligations.

Other complaints received by the Commission in this context are related to the closing of cases. It has been noticed that some of these cases are interfered with by the prosecution and prison authorities, without realising that a court's decision becomes law and nobody should change it, except other courts.

The Commission also received other cases related to the delaying of cases, and even postponing them many times. Other court problems included cases concerning the fact that the complainants don't receive copies of the rulings of their cases, thus making it difficult for them to appeal or to implement the rulings of the court. Some times, there is also delay in transferring dossiers from court to court and this delays rulings by the courts to which appeal has been made. In most cases this has been explained as resulting from lack of enough equipments and personnel.

The Commission expresses its concern over the delaying of cases, lateness in writing reports exaggerated postponement of cases. The Commission finds that this makes people lose confidence they otherwise had in the judiciary.

The Commission also received complaints from various suspects of Genocide whose dossiers have reached the court, but whose trial continues to delay. This is due mainly to the big number of suspects. The Commission is satisfied that a step forward has been taken towards solving this problem, such as reviewing ordinary courts procedures, following up Gacaca Jurisdictions and implementing the Presidential Directive of 1 January 2003 aimed at releasing temporarily those who may be imprisoned for a longer time than the courts will decide.

The Commission also followed up cases concerning illtreatment of Gacaca witnesses. Such cases have been mainly observed in Gikongoro Province where genocide survivals have been harassed in different ways: this included beating them, stealing from them, destroying their property and other threatening intended to frighten them, to silence them or to make them run away so that they do not testify against suspects in Gacaca Jurisdictions.

In the field of social, cultural, economic and rights to development, issues received by the Commission were mainly related to land and houses. Most of them are related to properties of old refugees of the 1959 returnees, conflicts between them and those who occupying their lands. Other land cases are related to the distribution of land in some areas, which brought about misunderstandings among involved parties. There were also cases of orphans property taken by their custodians, as well as problems related to education.

In solving those problems related to human rights protection, the Commission tried to concile the parties involved so as to find an amicable solution. Whenever mediation was impossible, the Commission always called upon the concerned judiciary and administrative authorities to find a solution. The Commission usually approached directly these authorities and it is happy that some of these cases have been settled and others are being followed up by concerned authorities.

The Commission also has decided to continue follow-up of unfinished cases presented to it by keeping on reminding the relevant authorities to do their best to find appropriate solutions.

It has however, been noticed that, based on the role the Commission plays in restoring people's rights, some people bring to it false complaints and want the Commission to support them in their malignity. After investigation, the Commission refused to receive such cases.

Some other people bring their complaints directly to the Commission without first approaching concerned institutions. The Commission did not receive such people's cases but advised them as to which competent institution they should approach.

Concerning human rights respect, the Commission is satisfied that the Government took reliable strategies to eradicate child rape. However, as found in some complaints brought to the Commission and after investigations, it has been noticed that some people take advantage of

the Government's concern on this problem and to falsely accuse others in order to scandalize them. The concerned authorities should be more vigilant so as to avoid wrong accusations so as to prevent possibilities of innocent people being victims.

4.1.2. Human Rights Promotion.

Having in mind that the first step of human rights promotion is for everyone to know their rights, in the year 2002, the Commission invested a lot of energies in sensitising different categories of Rwandans about human rights. The Commission used public lectures, seminars to various groups, including students, teachers, security authorities, youth preparing to join higher learning institutions, local and grassroot leaders, journalists, the judiciary, church leaders, prisoners and vulnerable groups.

The Commission also used its weekly radio programme "*Uburenganzira iwacu*". Themes in this programme concerned sensitising and educating Rwandans on the promotion and respect of their rights and other people's rights as well as informing them on the situation of human rights in our country. Such messages also passed through ordinary Rwanda Television programmes or through conferences debates in which Rwandans took part.

Regarding Annual Human Rights Days, the Commission always gave human right messages relevant to the Day in question, to help Rwandans better understand and respect that particular aspect of human rights. It is in this connection also that, in different meetings and discussions the Commission held with different institutions in the country, the Commission expressed its wish to see some of the Annual Human Rights Days put on the list of Days to be commemorated at national level. Example of such Days are 23 March, the Day to Fight Against Racism; 9 December, the International Day on the Prevention and Punishment of the Crime of Genocide; and 10 December, commemoration of the Universal Declaration of Human Rights. The Commission hopes that the concerned authorities will take this wish into consideration.

Among other main activities, in the promotion of human rights, the Commission prepared a draft on Rwanda Human Rights Charter and organised a national summit on these principles. The resulting recommendations were given to the Constitutional and Legal Commission; in this regard, the Commission is happy that its recommendations received due attention and were included in the new Constitution. These principles aimed at protecting, promoting and preventing violation of human rights, as well as highlighting duties and obligations of citizens.

4.1.3. Commission's Development.

In relation to the development of the Commission, the year 2002 was characterised by providing Staff members with knowledge and ability to improve performance in their attributions. This included basic training in the country and abroad focussing mainly on the fundamental principles of Human Rights, techniques for investigating on human rights violations and mediation and conciliation.

In the year 2002, the Commission worked hard to improve working capacity its Provincial Antenna by providing them with different equipment including computers and

motorbikes. This increased productivity of the Commission as workers in the Provinces could reach more people and know their problems.

The Commission is pleased at the confidence the Donors continue to show, by providing the Commission with one hundred forty seven million, six hundred thirty thousand five hundred ninety two Rwandan Francs (**147,630,592 RWF**). This financial support was used in different projects including Staff training, Human Rights protection and promotion; and monitoring activities of the Gacaca Jurisdictions.

4.1.4. Co-operation with Other Institutions.

In general, the Commission is satisfied with the progress made in the year 2002 in the field of co-operation with Governmental, International and Non Governmental Human Rights Organisations. This progress was reflected in the partnership with other institutions in their meetings, in reciproque invitations to participate in their respective training programmes.

4.2. PERSPECTIVES OF THE COMMISSION FOR 2003.

The major plans for 2003 include Protection and Promotion of Human Rights and the Commission Development.

4.2.1. On Human Rights protection.

In the year 2003, the Commission intends to continue receiving complaints from the people and reminding the relevant authorities to find their solutions.

The Commission will continue to carry out research and investigating on Human Rights violations in Rwanda: Women's Rights, Rights to Education and Habitat and Respect to Human Rights in Rwanda.

The Commission will follow up Gacaca activities to ensure that rights to fair justice is respected and this with regard to victims, suspects, as well as witnesses.

The Commission will follow up and monitor the preparations and conduct of elections that will take place in Rwanda so as to bring to end the transitional period. In this exercise, the Commission will focus on ensuring that elections are free and fair, respecting the right to elect and be elected for every citizen authorised by the law.

4.2.2. On Human Rights Promotion.

The Commission shall continue to organise for different categories of Rwandans conferences and training programmes with a view to promote a culture of human rights respect and protection. This will be done through the media, newspapers, leaflets, radio and television programmes, as well as internet.

The Commission shall continue to organise training for the Military with regard to the protection children's rights in times of war and crisis.

The Commission will translate into Kinyarwanda some of the International Instruments on Human Rights for a wider dissemination among the Rwandan population.

The Commission shall continue to organise for different categories of Rwandans, conferences and training programmes with a view to promote a culture of human rights respect and protection.

4.2.3. On the Commission Development.

The Commission will do its best to provide its Members and the Staff in general with appropriate training including modern technology, higher level knowledge in the area of human rights and languages used in Rwanda (French and English).

The Commission plans to improve its capacity by recruiting Staff for posts which are still vacant.

The Commission will strengthen its capacity by providing necessary equipments for both its Head Office and the Provincial Antenna. In addition, the Commission will open offices in Kigali Ngali and Kigali City.

The Commission will also review its structure and functioning so as to be in conformity with the law n° 37/2002 of 31 December 2002, modifying and complementing the one establishing the Commission.

4.3. RECOMMENDATIONS.

In view of the cases dealt with in the year 2002, the Commission finds it important to make different recommendations to relevant authorities to help them speed up settlement of these issues. In this report, some recommendations made in the 2001 annual report have been repeated because they concern cases which, though followed up by relevant institutions, have never got solutions. The recommendations are as follows:

4.3.1. The President of the Republic, the National Assembly, the Government and the Supreme Court.

- Speeding up the project to modify the Law on land tenure and see to it that it provides an answer to serious difficulties the Rwandans meet in this connection;
- Finding a solution to the big problem of illegal arrests and detentions and ensuring that the Prosecution respects the Law governing arrests and detentions, especially detentions without prior investigations;

- Providing the Prosecution, the Courts the National Police as well as workers in those institutions with necessary equipment, so as to enable them find solutions to people's problems without delay and keeping the people on the move;
- Putting more emphasis on the respect for Children's Rights, especially with regard to Education and finding strategies for the protection of orphans' properties which often are taken by the so-called custodians;
- Asking the courts to be more vigilant in issuing certificates authorising children's custody and following up closely implementation of their decisions so as to avoid frequent cheating that has been observed in this regard;
- Analysing and finding permanent solution to the problem of old refugees' property as this has been recommended by the Commission in its previous two annual reports ;
- Finding immediate solution to the serious problem regarding execution of courts orders so as to give them their due importance;
- Sensitising leaders at all levels on the necessity to respect and implement courts rulings and decisions and to take punitive measures against those who deliberately ignore them;
- Ensuring that both parties involved in the case get, in due time, copies of the judgments so as to avoid hinderance to their rights to appeal;
- Ensuring the security of Gacaca Witnesses as it has been realised that in some places they have been harassed in attempt to silence them and taking measures against leaders proved to be involved in such acts;
- Uprooting the tendency of issuing plots on dubious terms, observed particularly in Kigali City where sometimes one plot is attributed to more than one people and each having documents of ownership;
- Seeing to it that Insurance Companies give compensations without obstacles in case the client has honoured his obligations;
- Taking appropriate measures against leaders who are proved to take part in violating the human rights of those they are supposed to protect.

4.3.2. All Rwandans.

- Continuing to approach the Commission at its Head Office in Kigali as well as its Provincial Offices and bringing their complaints and ideas on human rights;
- Reporting cases to relevant authorities before bringing them to the Commission;

- Avoiding bringing false and unfounded cases to the Commission;
- Informing the Commission on serious human rights violations taking place in their areas so that the Commission may follow them up;
- Protecting their and other people's rights;
- Resisting and fighting against injustice and the culture of impunity;
- Improving their knowledge with regard to human rights and duties.