

THE ONGOING CRISIS IN THE GREAT LAKES

JOINT HEARING
BEFORE THE
SUBCOMMITTEE ON INTERNATIONAL OPERATIONS
AND HUMAN RIGHTS
AND THE
SUBCOMMITTEE ON AFRICA
OF THE
COMMITTEE ON
INTERNATIONAL RELATIONS
HOUSE OF REPRESENTATIVES
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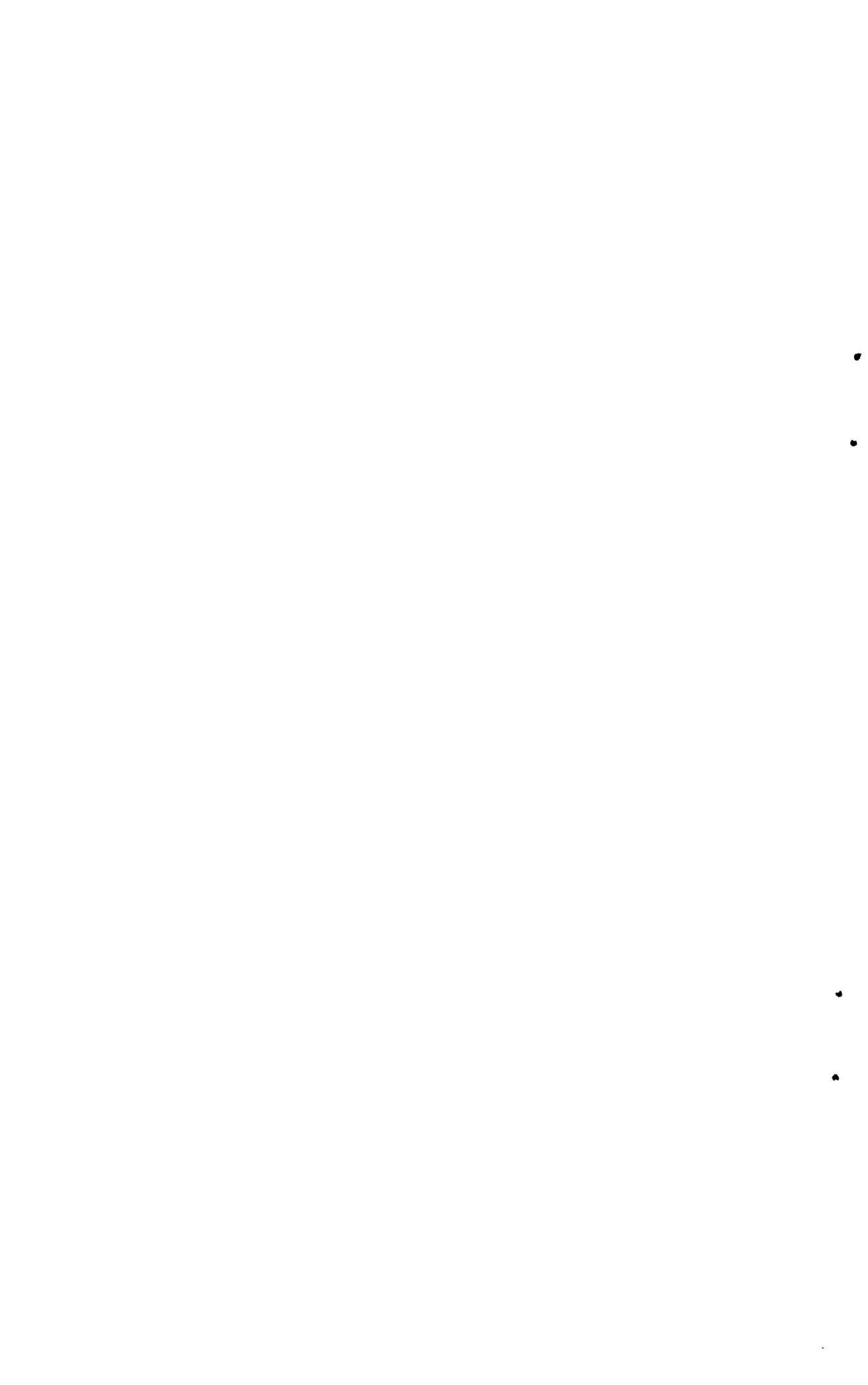
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JOINT HEARING ON THE ONGOING CRISIS IN THE GREAT LAKES

THURSDAY, MARCH 5, 1998

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND
HUMAN RIGHTS, AND SUBCOMMITTEE ON AFRICA,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC.

The Committee met, pursuant to notice, at 1:08 p.m., in room 2172, Rayburn House Office Building, Hon. Christopher H. Smith [chairman of the Subcommittee on International Operations and Human Rights] and Hon. Edward R. Royce [chairman of the Subcommittee on Africa] presiding.

Mr. SMITH. [presiding] The Subcommittee will come to order. Good afternoon.

Today's hearing is the second in a series that began over a year ago, in November 1996, to examine the causes and possible solutions of one of the greatest and longest standing humanitarian crises in the history of the world.

In 1994, at least half a million men, women, and children, mostly ethnic Tutsis, were slaughtered by Hutu extremists who then controlled the Rwandan military. Later in 1994, after the Tutsi-dominated Rwandan Patriotic Army had defeated the former government, an estimated 2 million Hutus fled to the neighboring countries. In the country that was then called Zaire, an estimated 1.2 million went to refugee camps established by the U.N. High Commissioner for Refugees. Unfortunately, these camps provided safe haven not only for genuine refugees, but also for former members of the Rwandan army and associated Hutu militias who had committed atrocities against their Tutsi countrymen. These elements, the so-called ex-FAR and Interahamwe, used the camps as bases for armed incursions into Rwanda. UNHCR and donor nations, including the United States, were unable or unwilling to separate the terrorists from the refugees.

Late in 1996, the refugee camps in Zaire were attacked and overrun by ethnic Tutsi militias supported by the rebel alliance of Laurent Kabila with the active support of the Rwandan Patriotic Army. Many of the refugees, including innocent men, women, and children, as well as ex-FAR and Interahamwe, were killed. Over a half a million returned to Rwanda. Many thousands of others remained in the Congo, where they faced starvation, disease, and armed attackers. The UNHCR and relief organizations were denied access to these refugees by the Kabila forces. Many thousands more died or were killed during 1997, even after Kabila had consolidated

his power over Zaire and renamed it the Democratic Republic of Congo.

When President Kabila took office and took power, he promised elections within 2 years. Now he says this will be impossible, and that governments who want to hold him to that original promise "understand nothing of what is going on in the Congo." Last month, the Kabila Government arrested Etienne Tshisekedi, a long-time democracy advocate, who was the most prominent opponent of the Mobutu regime, and remained the most visible opposition leader in the Congo under Kabila. He has been forced into internal exile in his home province in the east. Meanwhile, the UNHCR claims that some 30,000 to 50,000 of Rwandan Hutu refugees remain dispersed and unaccounted for throughout the DRC.

The Kabila Government effectively has forced the UNHCR to stop trying to help these people. Kabila has repeatedly obstructed the U.N. investigation into alleged massacres of civilians by his forces. The investigators finally began about a month ago, over a year after some of the massacres are alleged to have taken place.

In Rwanda, the State Department *Country Reports on Human Rights Practices for 1997* bluntly notes that the Rwandan army "committed thousands of killings of unarmed civilians in the past year, including routine and systematic killings of families, including women and children." One of such massacres is said to have occurred in a complex of caves in Kanama in October 1997. According to Amnesty International reports last December, between 5,000 and 8,000 civilians were killed after they fled into the caves in an attempt to escape the RPA. The Rwandan Government strongly denied the allegation. The U.S. Ambassador at Large for war crimes issues, David Scheffer, visited the mouth of the caves under RPA escort on December 15 of 1997, but did not go in. He dismissed the Amnesty International account based on his assumption that "if there were thousands of dead bodies in the caves, the smell of death would have been much more powerful and the flies more numerous." There has been no further investigation.

Meanwhile, an armed Hutu insurgency involving ex-FAR and Interahamwe forces continues, especially in northwest Rwanda. In response, the Rwandan Patriotic Army has continued its counter-insurgency efforts. Both Hutu insurgents and the Rwandan Government have continued to commit serious atrocities against civilians. In a December 1997 attack in a refugee camp, presumed Hutu extremists killed over 300 Tutsi refugees, including women and children, who had fled to Rwanda from the Congo. The U.S. Government has characterized the attack as genocidal.

In Burundi, fighting continues between the Tutsi military government and rebel forces from the majority Hutu population. Both sides commit atrocities against civilians. An estimated 200,000 people have been killed since October 1993. The *Country Reports on Human Rights Practices for 1997* contains numerous reports of massacres by government soldiers.

Despite the deeply flawed human rights records of the Governments of the Congo, Rwanda, and Burundi, and despite the fact that none of these three governments is a democracy, the official U.S. posture seems to be that things could be a lot worse. The best thing that can be said for Laurent Kabila is that he is not Mobutu.

The best thing that can be said for the Rwandan Patriotic Army is that they have killed far fewer innocent civilians than the army they replaced. Even the military dictator of Burundi has been regarded by our State Department as a moderate by the standards of military dictators in this part of the world. Largely on the strength of these attributes, our Government has provided assistance, including military assistance, to the Government of Rwanda, and is preparing an assistance package for the Congo.

Critics of this policy believe that the United States has not learned the lessons of the failures of its past support for "big chief" politics in the region: A preference for the strongmen, because they supposedly represent the best hope for stability. These critics fear that the new leaders may turn out to be smoother talking versions of the strongmen of the past. A lasting peace must be based on reconciliation. Reconciliation must be based on democracy and respect for human rights.

The Administration and its supporters suggest that assistance and cooperation must come first, in the hope that human rights and democracy will follow. This is the road of constructive engagement, and is a road that has been exceedingly well traveled in recent years. Perhaps some day, it will lead to freedom. So far, it only leads to Beijing, Hanoi, and Jakarta.

In November 1996, the Subcommittee on International Operations and Human Rights held a hearing on many of these issues that we face today, with some of the same witnesses that we will hear from today. At that hearing, the U.S. Government witnesses predicted a speedy restoration of peace, order, and justice. Almost a year and a half later, the people of the Congo, Rwanda, and Burundi are still waiting, and they are still suffering.

I want to thank our witnesses in advance for being here, for taking time out to give us the benefit of their insights and understanding. At this point, I would like to yield to the chairman of the Africa Subcommittee, Mr. Royce, from California.

Mr. ROYCE. Thank you, Mr. Chairman. I appreciate very much the fact that we are holding a joint hearing about the ongoing crisis in the Great Lakes. Looking back on the massive genocide that Rwanda and Burundi suffered in 1994 and 1995, it's important that we learn from this horrific chapter. Lessons learned will make us better able to address today's challenges in the Great Lakes. With the threat of renewed full-scale genocide looming, the situation in this region today is serious.

The United States has a very important role to play in preventing such a disaster. I am pleased that we will hear from the President's special envoy to the region, Howard Wolpe. I just want to share with Howard, your appearance today before this Committee, as your past appearances before the Africa Subcommittee, are very much appreciated. I will also share that we appreciated the briefing you gave us in Africa. We acknowledge the high esteem with which you are held by your counterparts from other countries around the region that are engaged there in trying to bring peace. We know they look to you for leadership in this effort.

Ethnic hatreds have gone on unresolved and have inspired repeated attacks by Hutus against Tutsi-dominated governments in Rwanda and Burundi. There have been bloody responses by these

governments, including bloody responses in the Congo. Sadly, the people of these three countries still live in terror. An estimated 1,000 persons a month are killed in Burundi alone. Killing in Rwanda approached the same magnitude. There is the problem of arms in the hands of former government troops, militias, and rebel groups from the Congo, Rwanda, and Burundi. These arms have been used in continuing insurgent attacks in these nations, and pose a threat for other nations in the region. There is reason to believe that some of these weapons were used in the overthrow of the elected Government of Congo Brazzaville last year.

Ultimately, there will be no peace in the region unless a resolution of longstanding political and economic issues is found. The tension is more than ethnic. This will not be easy. Our special envoy and others are facing a great challenge, but their efforts are critical.

Again, I want to thank the former chairman of the Africa Subcommittee for testifying here today. I realize you are just back from the region. We all await your report. Thank you.

Mr. SMITH. Thank you very much, Mr. Royce.

Mr. Menendez.

Mr. MENENDEZ. Thank you, Mr. Chairman. I am happy to see that we are having a hearing on the Great Lakes region. I am happy to see our former colleague who I met the first time in my first trip to Africa here before us today. Unfortunately, the ethnic violence that resulted in the deaths of over a half a million Tutsis in 1994 continues to plague the region. Attacks on Hutus persist, and retaliations from the Tutsi-led Rwandan People's Army are never far behind.

Just recently a group of about 2,000 Hutu rebels raided a commune southwest of Kigali, killing 19 people and releasing some 600 genocide suspects from jail. While these events are not on the scale of the genocide of 1994, they are not uncommon. The degree of hatred and mistrust perpetuated by historic issues of political and economic control between Tutsis and Hutus suggest that this conflict is far from over, unless the people of the region decide they have had enough of violence and actively work to attain peaceful coexistence and an acceptable balance of power.

Now it's not clear to me where the civilian population stands, whether they support the rebel forces out of fear or loyalty, and I would like to hear some of those observations. I have certainly not picked sides in this fight. However, what is clear is that Hutus comprise upwards of 85 percent of the population. Given that fact, it seems unlikely that a Tutsi-led Government can rule Rwanda peacefully without bringing the Hutu population on board.

I think what I would like to hear today is how long we expect this conflict to continue, whether it escalates or dissipates, who is perpetuating the violence, what role, if any, should the United States play under those circumstances? I asked our USAID administrator earlier today in a hearing about the Great Lakes Initiative. I am wondering how in fact we do that under the circumstances of the instability that exists in the region. I would like to hear maybe some responses to that. And whether the United States and the international community can be effective and unbiased mediators in bringing the two sides together.

On another matter, I remain very concerned about the Government in Congo, Kinshasa. President Laurent Kabila has repeatedly stated his intention to make that country a full-fledged democracy. Yet to date, his actions overwhelmingly contradict his words. Kabila's continued obstruction of the U.N. investigation into atrocities, the detention and harassment of opposition leaders and journalists, and the use of firing squads are not actions undertaken by democratic governments, at least under my definition of what constitutes a democratic government.

I hope that our panelists will speak to both the situation in the eastern Congo and Rwanda, as well as to the embryonic government in Kinshasa, as far as their experiences on the situation on the ground, prospects for peace and democracy, and direction of U.S. policy in the region.

Thank you, Mr. Chairman. I look forward to the testimony of our witnesses.

Mr. SMITH. Thank you very much, Mr. Menendez.

Mr. Chabot.

Mr. CHABOT. No opening statement, but I do want to thank both of the chairmen for calling this very important meeting. I look forward to hearing the testimony here this afternoon. Thank you.

Mr. SMITH. Thank you, Mr. Chabot.

Mr. Payne.

Mr. PAYNE. Thank you very much, Mr. Chairman. Let me thank both chairs of the Africa and the Human Rights Subcommittee for calling this very important hearing on the crisis and the ongoing crisis in the Great Lakes. I visited the region several times before the genocide of 1994 and a number of times after. I am sure that everyone will tell you that this is probably one of the most difficult issues I have ever come across. It is one of the most difficult issues that we have confronted anywhere in the world. I am not impatient, the same way that I'm not impatient with what is happening in Northern Ireland. I am not impatient with what is going on in Cyprus. I am not impatient with what's going on in the New Independent States. I am not impatient with the poor record in Russia. I am not disappointed with the tremendous increase that we had to put in Bosnia, including troops and money. So when it comes to the Great Lakes region, when it comes to the Congo, when it comes to less than a year that these fledgling countries have been trying to bring themselves together, I am not as impatient.

Let me just say that I have a statement that I'll just add for the record. But I would just like to perhaps have put in the record the February 26 Washington Post story regarding the mass slaughter which was avoidable, said the general who was in charge of peacekeeping in Rwanda. In Rwanda, when it became difficult, the peacekeepers left. In Bosnia when it became difficult, we sent 22,000 additional troops. I would like to have a balance when we discuss difficult issues in the world, and not have a standard for one region, and other standards for others.

I will simply ask that my testimony be entered into the record. I commend Secretary Albright on her recent trip to the Great Lakes region, finally acknowledging that perhaps the United States did not give the leadership in the United Nations when there were countries that were interested in attempting to assist, but our

thwarting of that movement was perhaps a judgment that, revisited, may have been done in a different way. Thank you.

Mr. SMITH. Without objection, Mr. Payne, both your opening statement and the Washington Post article will be made a part of the record.

[The information referred to appears in the appendix.]

Mr. SMITH. Ms. McKinney.

Ms. MCKINNEY. Thank you, Mr. Chairman. I would just like to thank you and Chairman Royce for calling this hearing. I would also like to acknowledge the very difficult work of Ambassador Wolpe as he traverses the Great Lakes region trying to help in a very very difficult situation and ratchet down the spiraling violence there, and to at least enhance the security and do what we can in the United States to enhance security of all of the people in the area.

I would like to also associate myself with the remarks of my colleague, Congressman Payne, in acknowledging the difficult tasks that were at least spoken of by our Secretary during her recent trip there. I would just like to state for the record that the Belgians have completed an inquiry of Belgian conduct during the 1994 genocide period. We read with interest that the French are about to do the same. I think it would be very helpful and instructive if the United States were to do something similar in that regard, because we know not only by the Secretary's admission, but by published reports, that the United States has a share in what happened and the lack of international response to an outrageous situation.

So I would like to commend you, Mr. Chairman Smith and Chairman Royce, for calling this hearing, and suggesting that as we discuss these very difficult issues, that this should be merely a beginning, and certainly not an end point. I anticipate the testimony of the witnesses, and look forward to questioning. Thank you.

Mr. SMITH. Thank you very much, Ms. McKinney. I am very pleased to introduce the panel. The Honorable Howard Wolpe, a former Member of Congress, often sat in this chair as head of the Africa Subcommittee. He is presently serving as the Administration's special envoy to Africa's Great Lakes region. A former Member of Congress, Mr. Wolpe also served as a visiting fellow of the Brookings Institution, and a faculty member of Western Michigan University and the University of Michigan. He has written numerous articles on Africa and the management of ethnic and racial conflict, and just returns to Washington from having been in that part of the world. So if you have jet lag and if you yawn, we certainly will understand.

Mr. Wolpe, your full statement will be made a part of the record. But please proceed as you wish.

STATEMENT OF THE HONORABLE HOWARD WOLPE, SPECIAL ENVOY, BUREAU OF AFRICAN AFFAIRS, DEPARTMENT OF STATE

Mr. WOLPE. Thank you very much, Mr. Chairman. I want to begin by expressing my personal appreciation to both you and to Chairman Royce for convening this hearing. As you have indicated, we have submitted the full text of our testimony for the record.

What I would rather do at this stage is to make some introductory remarks based in part upon my recent travels through the region, and then also I will attempt very briefly to summarize the larger testimony that is before you.

I personally appreciate this hearing because it signifies your recognition of the enormous importance of the Great Lakes region to the future of Africa. There is probably no part of Africa that offers greater potential or is faced with greater challenges than the Great Lakes region. American policy toward this region is confronted with the same mix of opportunity and challenge.

On the one hand, this zone holds enormous promise. If actively nurtured by responsible committed governments and engaged friends, it can bring into the global economy new emergent market democracies that will substantially enlarge the transformation that is well under way in southern Africa and anchor much of Africa's future.

On the other hand, if the region's acute dangers are not brought under effective control, Central Africa could become a broad swath of failure and instability and human suffering that would imperil Africa's integration in the world economy and prevent the realization of the continent's human and economic potential.

I have just returned from 2 weeks in the region, attending the Kampala Regional Summit on Burundi. I visited several of the regional capitals as well. In the course of my conversations with these Heads of States of this region and of the members of the international diplomatic corps that's operating there, I was reminded of several key facts that I believe we all need to keep in mind as we approach the policy debate about how we should best approach this region. First of all, there is a broad recognition of just how high the stakes are among all of the regional states. All are making serious efforts to cooperate in addressing the myriad of challenges in realizing the region's economic potential. They all welcome a genuine partnership with the United States, a partnership that's based upon the recognition of both mutual interests and as previous speakers had suggested, shared responsibility for the calamities of the region. A partnership that is characterized by an open, candid, and mutually respectful dialog.

Second, as you all well know, there is not a single crisis in the Great Lakes, but perhaps at least three crises that are distinguishable, with different causes and dynamics, but which constantly feed back upon one another. There is the institutional and political vacuum that is the Democratic Republic of Congo's inheritance from the Mobutu years. There is the continuing civil war in Burundi. There is the continuing insurgency of genocidaires in Rwanda.

Third, there is no issue that continues to be more critical to understanding the psychological and political dynamics of this region than the 1994 Rwandan genocide. There is not a conversation one has with people within this region that that is not brought vividly home. First, this insurgency does continue. In many respects, the genocide of 1994 remains an ever-present psychological and political reality, not only for Rwanda, but for the entire region. Levels of fear and insecurity throughout the region remain very high as does inter-ethnic suspicion and mistrust, particularly with regard to Tutsi-Hutu interaction. The failure of the international commu-

nity to respond to the 1994 genocide in a timely way, the subsequent failure to insist upon the separation of genocidaires from the refugee camps, or to respond to the ethnic cleansing of Tutsis in the Masisi zone of the former Zaire, all seriously impaired the credibility of the international community and its institutions.

Some international commentary and criticism is therefore received with some amazement by regional leaders, who ask why it is so difficult for the West to understand the Rwanda genocide in the same way we have understood the genocides that have occurred in Europe. Some of the continuing reality of the 1994 genocide is evident in these notes on Rwandan society today. Half of Rwanda's population has been killed, wounded, uprooted or returned from long-term exile during the past 4 years. Many Rwandans are living together for the first time since national independence in 1962. Up to 120,000 children are orphaned. As many as 85,000 households are headed by children. At least a quarter of a million children are now unaccompanied minors whose parents were killed or remained in exile. According to one recent survey, eight of ten children have experienced a death in their immediate family during the 1990's. In addition, almost all children in Rwanda saw corpses, went through or witnessed rape and sexual assault. The majority believed that they would die in the course of the violence to which they were exposed. Thousands of female survivors, including young girls, were raped during the genocide. One of the world's poorest nations prior to 1994, by 1997, Rwanda had become the second least developed country on earth.

Back in June 1996, there was an international roundtable that was convened in Geneva on the subject of Rwanda. USAID chief of staff, Richard McCall, quoted a U.S. official who had come to Rwanda almost immediately after the genocide and witnessed firsthand the human carnage of that genocide. This American eyewitness cautioned, and I am quoting McCall's paraphrasing actually of this individual. "That if you are going to understand what is happening in Rwanda today, what will happen tomorrow, next month, or for years to come, you have to understand genocide and the enduring consequences of genocide. It permeates, affects, influences human behavior so totally that it is remarkable that the survivors and the government have been able to exercise the degree of restraint that they are exhibiting."

McCall then noted the tendency of the international community to want quick fixes and to become impatient with the genocide's extended aftermath. I am quoting him again. "We expect the Rwandans to put this tragic episode of human history behind them and to get on with the future. Don't dwell on the past. It's as if we are dealing with a country that came out of a fairly normal civil war. Nothing is normal about genocide. This is the first sitting government faced with the dilemma of actually prosecuting a genocide that was directed at the particular ethnic group of many officials of the government."

Did McCall's words have as much validity today as they did in 1994? After all, it is less than 4 years since the terrible tragedy of genocide unfolded in Rwanda.

Now let me turn very quickly to a very short precis of American policy toward the region, our evaluation of very recent develop-

ments in the three countries in particular. In the immediate term, our goals in the Great Lakes region are first, to stabilize the Democratic Republic of the Congo so the democratization and economic development can advance, and the impoverished Congolese people might be given a new sense of hope and possibility. Second, to stop the genocidal killings and other communal violence in Rwanda and eastern Congo and in Burundi. Third, to advance increased respect for human rights and humanitarian principles and the development of justice systems capable of ensuring accountability and the end to impunity.

The Democratic Republic of the Congo is absolutely critical to the future of Central and Southern Africa. As we discussed in our previous hearing, it is a country that is as large as the entire eastern United States, east of the Mississippi that is. It borders on nine countries. It has the third largest population in Africa.

U.S. policy remains one of engagement. Our purpose is to try to support a successful transition from the Mobutu era. The record of the government continues to be very mixed. In recent weeks, very candidly, recent developments, particularly on the political front, have been more negative than positive. We have seen the detention and harassment of journalists. We have seen trials of civilians by military tribunals. This very week we saw another 16 executions, including 14 civilians with virtually no semblance of due process. This is totally unacceptable.

The detention and subsequent internal exile of opposition leader Tshisekedi and the harassment of other political figures all are on the scale of negative developments. These kinds of actions belie the government's stated commitment to democratic reform. From our perspective, rather than helping to produce greater stability in this admittedly enormously difficult transition, these actions are having precisely the opposite result of heightening public tensions and insecurities.

I made the observation last time I was before you, Mr. Chairman, that one of the enduring legacies of the Mobutu years is the remarkable sense of distrust among virtually all Congolese, not only of the government, but of each other. Ironically, we are seeing that distrust played out in actions that instead of attempting to include and bring people together, are keeping people at a distance and feeding further distrust and further suspicion. It is terribly counter-productive from the standpoint of nation building.

But there are also some positive developments that bear mentioning. The government is still on course, actually, notwithstanding this one report to which you cited but which I think was a bit out of context. It's still on course with its 2-year timetable for political reforms leading to elections. The cabinet that was constructed is relatively broad-based, and includes many people from opposition parties, way beyond the original AFDL. There has also been some progress in the economic area with international institutions, the World Bank, the IMF having recently sent teams into the Congo, and coming back encouraged by the new level of coordination and the new emergence of economic plans that make sense for the future. There's still a long gap to the implementation of those plans, but they came back with a rather upbeat assessment of recent development in the economic area.

The U.N. human rights investigators are now deployed in Mbandaka, and an advance team has gone into Goma. The government has also accepted another 3-month extension of the team's mandate at the request of the United Nations. Clearly that's something that needs to be continued to be monitored, but we are encouraged by the new evidence of some cooperation now finally between the government and the U.N. team. Finally, there are improved security conditions in much of the country with the notable and very worrisome exception of the Kivu Provinces bordering Rwanda and Burundi.

It is against that backdrop that we are continuing to believe that there is no alternative really but engagement with this government and more importantly, with the people of the Congo. To disengage is to allow the people to suffer unnecessarily, and is only to invite in our view, far greater dangers and instability that could ripple across the entire region.

Turning to Rwanda—Rwanda continues to embark upon its rebuilding effort. Most of the country is at peace. The economy has rebounded from the 50-percent decline in gross domestic product in 1994. Nonetheless, serious security concerns remain in the northwestern part of the country. We have seen new hate propaganda calling for the extermination of all Tutsis and for attacks upon Hutus that are viewed as too cooperative with the government. We have seen genocidal attacks on civilian targets, refugee camps, villages, passenger buses and taxis. The government remains confident that it is in control of the situation, but it acknowledges that it will take time to end the insurgency entirely.

RPA forces have at times responded with excessive, indiscriminate use of force. Consequently, at times civilians have been killed not only by the insurgents, but by the RPA. Recently the RPA has shown more restraint. There appears to be a decline in the number of abuses attributable to the RPA. The Government of Rwanda, in recognition that such abuses only fuel popular support for the insurgents, has taken steps to strengthen its military justice system, and has welcomed American and other international support in this effort.

Civilian justice remains a major bottleneck to political transformation. But the Government of Rwanda has begun to offer up new approaches designed to speed up judicial processes, to release those for whom there are not good prosecutable files, or who were elderly or under a certain age. Some 3,000 persons under those categories so far have been released. The government is considering modification of its genocide law and its approach to these cases to speed the process of reducing its caseload substantially.

It is agreed that foreign legal professionals can make a contribution. We recently sent an assessment team into Rwanda to engage in a very detailed conversation with Rwandan authorities about ways in which we might make a further contribution to assisting in the justice area.

Then of course Secretary Albright announced in her recent visit the launching of a Great Lakes justice initiative for the entire region, a big segment of which would be Rwanda-directed. These include funds available for training, for public outreach and education, support for conflict prevention and alternative dispute reso-

lution. Justice is a key element of return to lasting political stability in Rwanda. It is also going to be necessary to give accelerated attention as the Government of Rwanda has recently declared its intention to develop the local community and widen democratic participation at the local level. We look forward to working with the government in those areas as well.

As far as Burundi is concerned, there is, as always, good news and bad. The good news side is there is some evidence of a very significant widening of the internal dialog between the Government of Burundi on the one hand, and the national assembly on the other, and some interesting and important confidence-building measures that seem to be emerging inside the country.

On the good news side as well, we have had recent reaffirmations by both the Government of Burundi and the principal armed rebel group, the CNDD, of their interest in restarting talks that might create the conditions for a suspension of hostilities within the country.

The bad news is there is still no formal negotiating framework in place within the region. This only invites greater violence and greater danger. We continue to press for the quickest possible startup of an all-parties negotiating process so that all parties, internal and external, will have a place at the table so that the fundamental issues underlying the Burundian conflict can begin to be addressed.

Thank you, Mr. Chairman, for indulging me these few moments of trying to summarize what is a much lengthier statement. I look forward to receiving your questions and those of your committees.

[The prepared statement of Mr. Wolpe appears in the appendix.]

Mr. SMITH. Mr. Wolpe, thank you very much for your very fine presentation, going from one country to the next and showing the interconnectedness. I look forward to reading your full prepared statement later on.

Let me just ask you, with the new consultative meeting on aid to the Congo coming up in the next few months, has the Administration defined the criteria that will govern U.S. assistance? Will there be specific benchmarks, particularly in the area of human rights, rule of law? What are we looking for in the way of this kind of criteria?

Mr. WOLPE. We remain strongly committed to progress on democratic reforms, to respect for human rights, and to economic restructuring. In our view, progress on all those fronts is required if there is to be a successful transition. Any assistance to the Government of the Congo would be modest and carefully targeted to achieve progress in these areas. We will not provide budget support or aid to the security forces of the Congo. Given its inexperience and lack of capacity, we cannot expect the new government to move ahead on constitutional reform, election preparations, rehabilitation of the judiciary or even basic economic planing without some outside assistance. So we are continuing to monitor the government's record, which as I have just indicated is mixed to date. If their performance erodes, we retain the option of limiting our support to non-governmental actors and regional local governments only. While providing most of the assistance through the NGO com-

munity, it is presently intended to provide some as well directly to the government.

The precise package will be worked out, and the precise means of reaching this decision will be worked out in consultations with the Congress. In our view, however, the stakes are simply too high to sit on the sidelines keeping score. We must instead try to work to shape a more positive outcome for the people of the Congo and of the region.

Mr. SMITH. As you know so well, after Mr. Tshisekedi met with Jesse Jackson, the special envoy for democracy in Africa, he was arrested and then internally exiled. I understand that Secretary Albright did call President Kabila. What is the current situation with him? Is he still in internal exile?

Mr. WOLPE. He is still in internal exile. You are correct. Secretary Albright did have a direct conversation with Kabila to express our deep concern. Reverend Jackson, the President's envoy for the promotion of democracy in Africa, traveled to the Congo to meet with representatives of the government. We were disappointed that the government did not agree to a Kabila meeting with Reverend Jackson; so he met with members of civil society and other political groups precisely to underscore the importance that we attach to a much more inclusive environment, which we believe is fundamental to the interests of the new government in creating a stable basis for a transition to a democratic society. So we continue to press these points on the government. We are also being joined in that effort by the regional states themselves.

Mr. SMITH. How have we responded to the Kabila Government with regard to the death sentences and some of the other sentences that have been handed down by the government?

Mr. WOLPE. We have indicated that we abhor all processing of civilian cases by military tribunals without any semblance of due process. We have specifically condemned both sets of executions that have occurred. There were large numbers of people executed in a single day. We have made very clear that in our view, those actions of the government only undermine its credibility because it calls into question its claim to establishing a government based upon the rule of law.

Mr. SMITH. How does he respond, and how many people are we talking about that have been executed? How many civilians have been prosecuted by a military tribunal?

Mr. WOLPE. The most recent executions involved 16, of which 14 were civilian and two were military. Approximately 40 total people have been executed. Approximately half of them civilian, half of them military.

Mr. SMITH. What are their alleged crimes?

Mr. WOLPE. The allegations vary, I think, from murder to armed robbery.

Mr. SMITH. What has been the response of Mr. Kabila when we have made these protestations?

Mr. WOLPE. The government has argued that they are in the process of building up judicial systems, and they are trying to make clear that they are serious about such issues as corruption. While we are pleased to have the emphasis upon eradicating corruption, and we think that the government is sincere in that effort,

we continue to insist that even anti-corruption prosecutions must respect the rule of law and due process.

Mr. SMITH. Does he understand the outrage on the part of the American Government with regard to these courts and these mass executions or doesn't he care?

Mr. WOLPE. Well, first of all let's be clear. There are a lot of people involved in the Congo who do care. There are many people in the government that I am convinced do care. But I can not give you a direct response to that, not having asked the question of the President in recent days.

Our hope is that it will become clear by the condemnations that these actions have elicited, not only by our government but other governments as well, that this is not helpful in securing the degree of international confidence that is required to permit us and others to provide the kind of assistance we would like to provide in this transitional period.

Mr. SMITH. When Mr. Kabila allowed the U.N. investigators to search out suspected sites where massacres may have occurred, was there concern expressed by our government the length that a site is left to be cleansed—so that the bodies or whatever might be removed? Was there a concern that that time period might lead to a sanitizing of alleged massacres?

Mr. WOLPE. We have had that concern. We have constantly expressed to the government the importance of allowing the investigation to go forward as quickly as possible without interference. That has been a difficult undertaking, that discussion, as you know. In part for reasons that we discussed on previous occasions, having to do with the whole historical distrust of the U.N. system, going back to the genesis of this conflict, concerns by the government that the only issue that would be investigated would be crimes that may have been committed in the most recent months of the AFDL takeover as distinct from the crimes that had occurred prior to the takeover.

There were a lot of different issues involved. But we have continued from the very beginning to urge the quickest possible response, and to argue that any semblance of non-cooperation would really further impair the credibility of the government as well.

Mr. SMITH. What do you think the aggregate will be, the package of aid? How much are we talking about?

Mr. WOLPE. The Secretary has indicated that we plan to come to the Congress with a package in the neighborhood of \$35 to \$40 million in bilateral aid, and to contribute some \$10 million to the World Bank Trust Fund that has been established for the Congo. That remains our intention. As I indicated a moment ago, any bilateral assistance will be channeled principally through the NGO's, although we would also plan to provide some modest, carefully targeted aid directly to the central government for technical assistance to key ministries such as justice, health, and finance, to promote democratic reform and the rule of law, and to improve public health.

I should indicate that of course we have a long consultative process yet to go through, and the precise contours of the package, the manner in which this might be decided still lies in front of us.

Mr. SMITH. Let me just ask one point. I mentioned this in my opening statement about David Scheffer and his visit to northwestern Rwanda. Has the United States undertaken any other investigation of this incident other than the smell test, that he said he would have smelled rotting bodies and corpses if such a thing had happened? Has the Rwandan military prosecutor undertaken an investigation into this incident as well? What is being done to get to the facts?

Mr. WOLPE. Well, I do not know of other investigations that have been undertaken. There have been other visitations to the site from other countries. I want to just read Mr. Scheffer's findings. "There is no visibly credible evidence" he stipulated "that thousands of civilians were killed by RPA forces at the volcanic caves near Kanama north of Gisenyi. However, there was evidence" he indicated "that humans had in fact died in the caves."

It should be noted that there is some question about the original reporting about the allegations of thousands. It may be that initial allegation that was the farthest from reality rather than the failure of a subsequent investigation.

Mr. SMITH. It is my understanding that, of the four caves, he didn't enter any?

Mr. WOLPE. Pardon?

Mr. SMITH. Three of the caves were sealed off by the Rwandan army, and he never entered them to do any kind of visual inspection?

Mr. WOLPE. Probably for the same reason that some of the Rwandese, these soldiers were not anxious to enter the caves either. That's a dangerous undertaking, obviously.

Mr. SMITH. Nothing else is contemplated in that area to try to determine what happened?

Mr. WOLPE. I am not sure what you are suggesting. I mean we obviously do not have the means or the capacity, unless we want to put large numbers of troops on the ground, to undertake the kind of military operation that would be required to search the caves in that fashion. I don't think you are suggesting that. Absent that, I am not too sure what the options that would be available are.

Mr. SMITH. What have we asked of the Rwandan military in terms of an investigation? What kind of request have we made of them?

Mr. WOLPE. Well, we have had discussions with the military. They permitted us to visit the site. They have not only in this instance, but in other instances, taken action where there was—I cannot speak to the specific site here. But the Rwandan authorities have on a number of occasions acted to prosecute individual soldiers that were believed to be involved in atrocities or in other acts of military in discipline. The military justice system is acting on those cases. They have asked us for assistance with that system.

In one instance very recently, one soldier who was guilty of an ethnically motivated assassination was prosecuted by an American-trained prosecutor. So that we are working in that fashion to see that there is justice brought to bear when it is possible to do so.

Mr. SMITH. Amnesty International wants to go to the caves. My understanding is that the government won't let them. Will we join

them in requesting that that kind of access be afforded to Amnesty?

Mr. WOLPE. I am advised that in fact, as I said earlier, not only other governments and diplomatic representatives have visited the caves, gone to the sites, the caves are available if you wish to go there. The government does not restrict access to the caves. From a security standpoint, there is some thinking that that is a somewhat dangerous proposition. That might be one of the reasons that there's not been an inspection inside the caves themselves.

Mr. SMITH. Do you think Amnesty would have the assurance that they could go and do an investigation there?

Mr. WOLPE. I can not speak for the government in that instance. I can only report that there have been many visitors, NGO's and diplomatic representatives that have actually visited the site in question.

Mr. SMITH. Thank you, Mr. Wolpe.

Mr. Menendez.

Mr. MENENDEZ. Thank you. Ambassador, thank you for your testimony, and more importantly for your service to a region that you are infinitely familiar with. I read all of your testimony in addition to listening to what you had to say. Let me ask you a few questions with reference to the package on the Congo.

The Congress should decide to provide a waiver to the Administration to send assistance to the Congo. I heard you talk about the majority of the resources going to NGO's. But do we have a sense of what we are talking about giving the government out of your \$35 or \$40 million in bilateral assistance?

Mr. WOLPE. I can not give you precise figures today. I did indicate earlier though the subject areas that assistance would be directed to, such as of democratic reform, rule of law, an improvement of public health. We have been doing some work with civil society now. Pardon?

Mr. MENENDEZ. I'm not trying to hold you to an exact amount, but is that roughly 10 percent, 20 percent, 30 percent?

Mr. WOLPE. Well, the majority of the assistance, I assume somewhere over 50 or 60 percent of the assistance would probably be directed to NGO's. Perhaps a larger sum than that.

Mr. MENENDEZ. What is the government's ability to manage the type of money that we would be talking about that they would in fact receive?

Mr. WOLPE. Much of the NGO assistance that I'm describing to you, which would be the largest part—

Mr. MENENDEZ. I'm talking about the non-NGO.

Mr. WOLPE. Part of the assistance will be directed at enhancing institutional capability. The real problem right now is the government at the national level does not have much capability. That is—

Mr. MENENDEZ. That is my concern and my question. You know, I understand the NGO part. I am concerned about how much is going to go to the government itself, in view of what I view as the incapacity of the government in its present state to be able to manage and administer what would be large sums of money.

Mr. WOLPE. It's not money transfers we are talking about. We are talking about primarily technical assistance to, for example,

the Ministry of Health. Incidentally there's a very fine health minister in the Congo that has a very clear set of priorities and has really been very forward leaning in developing a very progressive approach to issues of public health within the Congo. The Minister could, for example, assist in immunization campaigns, in developing strategies for public health work.

Likewise, in the Ministry of Finance. Clearly there is a need for economic assistance and for technical advice and counsel. It is that kind of assistance we are describing here. Not cash payments to the government.

Mr. MENENDEZ. And to the extent that you are talking about then assistance to the government, you are talking about giving assistance of the nature that you have just described, there would be no cash payments to the government?

Mr. WOLPE. That is correct. What we are talking about is technical assistance, training assistance, institutional capacity.

Mr. MENENDEZ. So individuals that we would contract to provide these services?

Mr. WOLPE. That is correct.

Mr. MENENDEZ. All right. And what type of conditions, if any, or calibrated responses in our overall aid package are we looking to derive in the Congo? I know what your goals are. I heard you testify. But are we just going to give this open-ended or are we creating any sense of calibrated responses by the regime?

Mr. WOLPE. If it became clear, for example, that what assistance was being extended was not having any impact, for whatever reasons, we reserve the option to suspend that kind of assistance. But if your question is, are there certain criteria that must be met in advance in a very precise fashion, we submit that that is almost certainly to create a self-fulfilling prophesy. We don't think it would be productive to be quite that precise.

Mr. MENENDEZ. So if while we are in the midst of this \$40-million-plus package, we still have executions, if we have interference with the U.N. investigation that is going on, if we have other actions taking place, further arrests of journalists, continuing forced exile, internal exile, are we looking at those things that we know we face presently going into the Congo and that we hope to affect by virtue of our plan? Are we looking to live through that through \$40 million worth?

Mr. WOLPE. Let me say, first of all, that we are continuing on a daily basis to press the concerns with respect to human rights, inclusiveness, the building of democratic capacity within the country, because we regard those not only as matters of value that are precious to us, but as matters that are vital to the self-interest of a stable Democratic Republic of the Congo. We want to continue to engage the people of the Congo in that kind of dialog, as well as to engage in their efforts at really reclaiming what they have received, which is an institutional vacuum, the inheritance of the Mobutu years.

We propose to engage the Congo in the same fashion as we would engage any country in which we have bilateral assistance programs. If there is a coup, if there is a total disruption of the capacity for the provision of services, if it is clear that assistance programs are not being used as they were designed, then they will be

terminated. We think that it is not helpful to pre-judge the outcome, but it is much more helpful instead to begin the process of engagement.

Mr. MENENDEZ. I don't disagree with you. We always have, whether it be in the Congo or other places, however, a concern of the difference between what our expectations are and the reality of using U.S. taxpayer funds in any entity, in any place, with any government that in fact executes its people, violates human rights, and does a whole host of other things.

So the question in my mind is, are we giving legitimacy? Not at the beginning, I know what our expectations are and I join with you in our expectations. However, as the Ranking Member on the Africa Subcommittee, I would be concerned about what type of safeguards we have. As we are spending \$40 million in taxpayer monies and some of these things do not begin to dissipate during the process, do we in fact seem to be supporting a government that is not moving toward those standards by which we would want to see, whether it be the Congo or any other place, to move forward?

Mr. WOLPE. You raise some very important questions. They are questions that we have examined very very carefully. What is unique about the Congo in comparison with almost any other country that we could identify to have a similar conversation about, is the absence of any meaningful institutional capacity, particularly at the national level. There is nothing there. So the issue is do we provide an opportunity for the Congo to establish the kind of minimum capacity that can function as a state? We do not really have state capacity at this point.

Now I want to underscore that we do not see ourselves as providing assistance in order to assist a government. What we do see ourselves doing is providing assistance to a transitional process and to the people of the Congo. We think it is very important to keep our eyes on the ultimate goal, which is to try to help create within the Congo conditions of security for its people, conditions whereby economic growth can begin again to take place, where people can have a better future than they have enjoyed over the 30 years of Mobutu-ism.

The issue is the transition. The issue is the people of the Congo. As reprehensible as some actions of individual government officials or actions of the government may be, and we will do everything in our power to make clear just how unacceptable those are, we do not want to unintentionally deny the people of the Congo an opportunity for a better future and for a transition to institutions that would have far greater legitimacy because they would be the product of a democratic process.

Mr. MENENDEZ. I share with you that concern. I agree with you that they have no institutional capacity for the most part at this time. However, I do believe that they have an institutional capacity to understand right versus wrong in some cases. So I would hope that we are not willing to forgo that standard, a rather simplistic standard, especially when we have these executions and what not.

My last question, the Administration has requested \$25 million for a Great Lakes initiative, which largely focuses on the restoration of justice programs, including a military justice program. Given the ongoing tensions that exist and the violence in the re-

gion, how do we intend to implement such a program? Do we not risk being seen as taking sides in this conflict that has existed for some time by, for example, working with the Rwandan Government? I am concerned. I like the goals. I am concerned again about how those in the region themselves will be viewed, and how are we going to go ahead and programmatically perform and implement the programs that we are suggesting here in a way that draws credibility and respect and doesn't seem like we are reinforcing those things that people have opposed?

Mr. WOLPE. One of the underlying terrible consequences of the political instability within Rwanda and Burundi is a culture of impunity that has taken hold, in which many people who have done terrible crimes have been held wholly unaccountable. The reason for the focus upon issues of justice is precisely because it is important to differentiate the perpetrators of crime from the entire ethnic group. Clearly not all Hutus were involved in the genocide. Some did terrible things. Equally clearly, not all soldiers have been responsible for RPA massacres. Some have.

So what we are attempting to do is to work with the Rwandese authorities who understand that any kind of lasting stability in the country must see an end to the culture of impunity. Thus Hutus and Tutsis alike will understand that crimes will yield accountability.

Regarding your question about taking sides, we ought not be at all reluctant to make clear our opposition to the genocidal ideology that underpinned the genocide of 1994, and we ought not be insensitive to the enormity of the task of reconstructing the country that has gone through this kind of experience.

We are working with all Rwandans, Hutu and Tutsi, in this effort at working at community development, reconciliation programs within local communities, at the national level helping to strengthen systems of civilian justice and military justice. I think that is in our interest to assist in those efforts.

Likewise in Burundi, where we are deeply involved, I think both Tutsis and Hutus understand that we are determined to try to help facilitate a negotiation, to help facilitate dialog between the two groups. I don't think either sees us as a partisan in an ethnic sense. But we are committed to the process of democratic transformation in Burundi as we are in Rwanda.

Mr. MENENDEZ. Well, thank you. I would love to see an outline of how it is that you intend to implement this program. I have heard your answer and I understand your goals. I would love to see the outline as to how you intend to—

Mr. WOLPE. Let me say just in quick response. We are doing much already. Partly what we are going to be doing is expanding the initiative. But American dollars are being used to help train, to help provide facilities for the courts, in public education efforts. There are a number of ways that are very easy for us to access if the Rwandan Government and people request that kind of assistance.

Mr. SMITH. Thank you, Mr. Menendez.

Mr. Payne.

Mr. PAYNE. Thank you very much. Let me commend you, Ambassador Wolpe, for the very difficult task that you have. I think that

it's really one of the, as I indicated before, one of the most difficult situations I have ever been engaged in. I would just like to add for the record a Washington Post article, Three Countries Fare Hutu Rebels Wrath. Refugee attacks on Tutsis cost lives, threaten stability in Rwanda, Burundi and the Congo. Which goes through a whole series of Hutu extremists who are still having cross-border fights of massacres.

The thing that I am hoping to see us move forward, and I listened very carefully, and this is the third time I have heard this story about the caves. We are stuck on the caves. Now the caves are bad. Whatever is in the caves is terrible. But I don't understand the focus on one incident or alleged incident with a total disregard for the rest. That's not balanced.

Mr. SMITH. Will the gentleman yield?

Mr. PAYNE. Sure. I would be glad to yield.

Mr. SMITH. At both our previous hearing and a number of statements that I have made, I have expressed concern that just as a refugee is a refugee is a refugee—I don't care their race, ethnicity, color—the same goes for victims. When we get a sense that diplomats are brought to an area and are not allowed full and unfettered access, to use the words that we use so often vis a vis the Iraqi situation, it seems to me that something is being hidden. It's just symptomatic of a larger problem. But this Subcommittee has addressed and continues to address atrocities committed, whether it be by Kabila's people, Rwandan, Hutu, Tutsi, whoever. I think the record is very clear that we have tried to stand with the victims and the oppressed, not the oppressor.

Mr. PAYNE. All right. Well I certainly agree with you that a victim is a victim. We shouldn't take sides on victims. I am simply looking at your opening statement which I didn't have an opportunity to hear, but I had an opportunity to read. Perhaps after the hearing, maybe you'll read it again, the one you wrote, and then we could probably have a discussion about a sort of onesidedness. I appall killings anywhere too.

You know what? I am opposed to the death penalty. Many of the people here are not. I'm sorry that other Members are not.

Mr. SMITH. If the gentleman will yield on that. I oppose the death penalty too. But reasonable people can disagree on that. But I am opposed to it too. So what's the point?

Mr. PAYNE. Well, the point is this. They have had 40 executions, they say, in Congo. I think it's horrible. Texas will execute more than 40 in the next or two. There was a person executed in Virginia where they had the evidence that they knew he was innocent, but the time had passed for an appeal. In Arkansas, a man was so mentally deranged that he thought that he could save a piece of the pie that he had for his last supper to have it the next day to eat. He didn't even realize he was going to be executed.

So a country that has no system of justice, they don't have public defenders, they don't have a legal system that we would like to see, there were trials. They said what were the charges, killing, robbery and so forth. All right. Whatever their system of justice, of having a trial, was held. People were therefore executed. I think it is terrible. But I think it is just as terrible in Texas where death row

will have that many. If they execute no more in the Congo, Texas will exceed that.

So when we take a view at justice, I think that we need to take it in the full context or so-called justice, I would call it so-called justice, but I think that when things are taken out of context as summary executions, I think it's appalling. But I do become concerned and disturbed at the unevenness that this has generally brought up.

I would ask for this article chronicling since January (see article on mass slaughter) the killings of the Hutu rebels to be added into the record. I just want there to be balance. I want to reiterate I am disappointed that the Government of Congo has a poor justice system. I am opposed to the death penalty. So therefore, these 40 executions by the government after their trials I abhorred. I think it's a disgrace. The same way that I think that the death penalty that we have here in this country is also as brutal and as inhumane as it is in the Congo.

Now the question that I have is that there is a feeling that there should be no appropriations because a government or a regime is not working well, not living up to our expectations. Ambassador Wolpe, how do you feel we could attempt to see that the aid gets to the humanitarian, that it serves the humanitarian purposes that we would like for it to do? I understand what you said, but there's a philosophy that we should not evidently give assistance to a government like this that we have some problems with. What is your take on this, since you spend more time in the region than anyone else?

Mr. WOLPE. Well, let me say we have for the last several months, we have actually been involved, as we indicated in an earlier hearing, in the provision of some assistance to NGO's operating at the provincial level in the Congo. That assistance has been very well utilized. We have offices actually based in three different cities within the Congo, four actually, in a position therefore to work closely with the recipient organizations in these programs. One example of where American assistance was greatly valued by the Congolese themselves was in the effort at building a dialog between a civil society and local government authorities around the national reconstruction program that was instituted and has since been suspended unfortunately by the national government. But at the local level, it yielded a whole range of very important dialogs and new partnerships among people that had not been able to work together previously.

There are some very specific infrastructure improvements from drainage systems and the like, sewage systems, that have been financed by American assistance, that have led to measurable improvements in the quality of life of people within those communities. So we are in a position to monitor and to work with people in the development of that kind of effort.

As far as technical assistance to the national government would be concerned, since that largely would be in the form of training and technical assistance, we would in fact be in a direct position to retain control over the assistance, because it would be technical advice that would be being provided.

Mr. PAYNE. My final question, I think my time has expired, initially when the United Nations had a team to go into the Congo and so-called have the investigations, of course the team was headed by a Togolese. As you know, Mobutu and its government was assisted by Togo. As a matter of fact, Mobutu visited Togo on his way back to Europe for an operation. Now if I were the new government and you were going to send someone in to investigate alleged atrocities, and you had a team of three, led by someone whose country is very hostile, do you feel that this may somehow prejudice, whether it's right or wrong, do you think that the United Nations in their wisdom or lack of it, I mean there's a lot of countries if they want an African, there are a lot of sub-Saharan countries, do you think that might have developed some pre-judging?

Mr. WOLPE. I don't want to respond very specifically here because I think it's more important that we now look to the future. The process has been launched. There seems to be a more constructive relationship and cooperative relationship between the U.N. team on the one hand, and the government on the other. Clearly however, there was, I think, fault on all sides in the original start-up of this effort that only compounded the backdrop—that played against a backdrop of much suspicion and mistrust.

Mr. PAYNE. OK. I'll yield the balance of my time.

Mr. SMITH. Thank you. Ms. McKinney.

Ms. MCKINNEY. Thank you, Mr. Chairman. I have got a few questions here. The first question I would like to pose is about the Emergency Refugee Migrant Assistance program. It is my understanding that this is a fund that was designed to assist with refugee problems. Last year the \$20 million that was spent on Rwanda was very helpful. Each year the fund is appropriated about \$40 or \$50 million. Right now the fund has a total of about \$120 million in it. The President's request for Fiscal Year 1999 is for only \$20 million. Could you tell me why the Administration is requesting less money for this program, given the tremendous amount of need that exists in the Great Lakes region? We understand that the African continent is responsible for the second highest number of refugees in the world.

Mr. WOLPE. Mrs. McKinney, I can not speak to the specifics of the budgetary request. I will have to get back to you on that.

Ms. MCKINNEY. I look forward to you getting back to me on it. I think that this is a pot of money that is sitting there that would be available for the refugee problem in the Great Lakes region. We need to use it.

[Mr. Wolpe's reply was submitted following the hearing.]

According to the Fiscal Year 1999 Congressional Presentation for Foreign Operations, the \$20 million request will replenish the Emergency Refugee Migrant Assistance (ERMA) fund to approximately \$100 million—the ceiling amount the Migration and Refugee Assistance Act of 1962, as amended, authorizes.

My next question is about the President's visit to Africa. Of course we know that the Africans anticipated the announcement of the President's itinerary. That visit is being well planned for by folks on the African continent. But I find it strange that the President would not include on his itinerary one stop at one of the genocide sites in Rwanda. Could you explain to me why one of these genocide sites was not included on the President's itinerary and are

you doing anything to alter those plans so that such a visit could become a priority for the President?

Mr. WOLPE. I can not speak directly to the specific decisions that were made about scheduling. Obviously there were many competing demands and many visitations that we would have liked to have made that are not going to be possible on this particular trip.

What I can indicate though is that the President and the Administration generally, as manifested first in Secretary of State Albright's trip and in the upcoming visit of the President, intend to deal very forthrightly with this issue. In fact, one of the purposes of the presentation that was made by Secretary of State Albright before the OAU in Addis was to lay out our sense that it is absolutely vital that there be an acknowledgement of shared responsibility, that there be a willingness to engage in a very different kind of relationship with this part of Africa, a relationship based not upon the kind of paternalism that's characterized our approach to the past, but on a real sense of partnership, and a willingness to assume responsibility and to engage fully in the tasks of reconstruction both in countries that have experienced genocide and other countries that are going through other kinds of conflict and turmoil. So you will find that theme very much in evidence in the course of the President's trip.

Ms. MCKINNEY. Mr. Wolpe, I have to respond that I can't imagine the President going an hour and a half away on the European continent from a genocide site and not visiting. I can not imagine for the life of me why the President would stop an hour and a half away and not visit a genocide site, recognizing what the people of this region and in the country of Rwanda in particular are trying to go through right now.

Mr. WOLPE. I will certainly relay your concerns. Thank you.

Ms. MCKINNEY. Thank you very much. I have more questions. Chairman Smith points out that the lasting peace must be based on reconciliation. We have seen you talk about in your testimony an increase in the hate messages that are being put out through the propaganda. Could you tell me what it is that you believe the United States can do to counter this increase in hate propaganda?

Mr. WOLPE. Let me just describe first of all that there are two kinds of messages. One is that which is delivered by hate radio. On December 11 this past year, there was a broadcast from Bukavu in eastern Congo which encouraged the expulsion and the extermination of ethnic Tutsis. That particular broadcast coincided with the movement of extremist Hutu militiamen from eastern Congo to Rwanda. We have detected no transmission since that day. Although this may have been an isolated event, we are well aware of the previous devastating impact of hate radio in the region, and are developing strategies to counter that threat.

We are working to augment messages of ethnic cooperation, of healing and reconciliation. The Voice of America broadcasts in local languages in the region, enjoys a wide audience, and we're examining how we might better utilize Voice of America programming to promote peace and inclusivity. We have also sent a team to the region to assess how we might further advance reconciliation through grassroots activities, through village plays, through radio dramas and the like.

Jamming hate broadcasts requires detailed information of the location of the transmitters and the frequencies being used. We are exploring this issue, and will be able to provide you with further details in a classified briefing if you would like.

Ms. MCKINNEY. I would like that.

Mr. WOLPE. The other kind of propaganda is that which is disseminated by way of tracks, of paper tracks. Obviously there is no direct means that we would have in terms of being able to impact on that. But when it comes to the radio, we think we can be of assistance.

Ms. MCKINNEY. I have two additional questions, if that's OK. One question is about your use of the word "impunity." I also have some concerns about the use of the death penalty. I understand that there have been no executions yet of those people who have been convicted of genocide in Rwanda. How do you anticipate that the problem of impunity can be resolved without resort to the death penalty?

Mr. WOLPE. You are correct in your assertion. There have not as of this day been executions in Rwanda, though the Rwandese authorities have made clear that they do reserve the death penalty and do intend to apply it in some specific set of cases. I think the question you raise goes to one's own personal feelings and views about the death penalty. I am not sure it would be appropriate to engage in that kind of dialog. I think the Rwandese authorities themselves are saying that they would reserve the death penalty for those who were most culpable in leading the genocide, and that they would provide lesser punishments and lesser discipline for those that were less involved in the leadership of that.

Ms. MCKINNEY. Are we talking about 30,000 people?

Mr. WOLPE. What's the number?

Ms. MCKINNEY. Those level-one genocidaires?

Mr. WOLPE. We do not have any numbers as to who would fall into the category of those that would be subject to execution if convicted of crimes under the genocide law. I can not respond directly to that question.

Ms. MCKINNEY. My final question relates to some accusations that have been made about the Rwandan army and its commitment of atrocities. Can you tell me if there has been a change in the policy of the Rwandan Government as it relates to its army so that there would be fewer or no atrocities?

Mr. WOLPE. Well, there has been certainly a further building up of the military justice system, prosecutions of military that engage in acts of undiscipline or that commit atrocities and abuses. As I said, in recent months, though we think it still needs to be closely monitored, there has been actually a decline in incidents in which it would appear that the RPA were responsible for abuses.

Ms. MCKINNEY. Thank you.

Mr. ROYCE. Thank you. Ambassador Wolpe, I did want to make a request myself. I would like to be a part of the briefings on hate radio if I could at the time.

Mr. WOLPE. Sure.

Mr. ROYCE. I want to thank you for your patience. Unfortunately there is a markup going on right now on IMF funding. So that's why some of us are going back and forth for votes. But one of the

things I wanted to ask about was reports that suggest the Government of Rwanda officials consider genocide to be an ideology so deeply ingrained in the psychology of the ex-FAR and Interahamwe that they act with genocidal instincts. Do you view the genocide as an ideology? If so, what does that say about the prospects for peace? In your opening statement, you talked some about the force of genocide and the effect that has had on the majority of the population. What do you foresee there as prospects for peace?

Mr. WOLPE. I am not familiar with any conflict anywhere on the face of the African continent to which there is attached the level of fear and insecurity, mistrust, suspicion, than that which attaches to the conflict between Tutsi and Hutu. Contrary to much popular commentary, this is not a conflict that manifested itself in the fashion which it is playing itself out today in pre-colonial times. It would appear that indeed the colonial experience itself, in which colonial authorities created essentially new ethnic definitions by elevating Tutsis within the social and political hierarchy of their respective countries, and implicitly further subordinating Hutus, may have in fact really helped to accelerate the sense of division and distrust. The democratization process, particularly in Burundi as it unfolded, further compounded the competition between Tutsi and Hutu. In the case of Rwanda, one segment of the Hutu population, one segment of the leadership, played upon anti-Tutsi prejudices and sentiments in order to mobilize its support among the Hutu population. There was a very self-conscious intentional development of an ideology of genocide, a very systematic orchestrated campaign of genocide.

The implication of your question becomes very difficult to get beyond that. You are absolutely right. Can it be done? I think the answer is yes. But it can only be done with a great deal both of time and patience and perseverance, and the creation of conditions of greater security for the entire population, and creating in the long-term sense a set of political institutions in which everyone can feel a sense of real ownership so that there is a real sense of one nation.

One of the actions that the new government took upon coming to power was to abolish the use of identity cards, which had been developed by the Belgians during the colonial years. That was a much welcomed and constructive initiative. There has also been the tendency, however, to try to dismiss or to suppress, if you will, any discussion of ethnicity. I am not sure that that does not make more difficult the ultimate resolution of the fears and the suspicions. I think it is important that some of those issues be out on the table for discussion, where one acknowledges that there are maybe distinctions, but those distinctions don't have to have the importance they have had historically.

So it is going to be a long time in terms of trying to rebuild the possibility of people to trust one another at the local level, a long time to recreate a sense of institutions, economic and political, in which people feel that they are just, that they are inclusive, that they are really representative of a single nation.

Mr. ROYCE. There are controversial plans that the Rwandan Government has attempted to implement called the villagization plan. The critics have argued that the plan is poorly conceived and will

produce forced relocations and probably produce new social tensions. Do you know what the U.S. position is on the plan and would USAID support such a program? What is our reaction to that?

Mr. WOLPE. We frankly don't yet have a very clear sense of what the plan is. There has not been any implementation of that effort, though there has been much discussion of the concept. We would certainly have concern about forced relocation in initiatives that almost by definition would have the consequence of heightening tensions and insecurities.

Rwanda is a very poor country. It is one of the most densely populated on the continent. Given its population, Rwanda has tremendous land shortages. So there is a lot of discussion about ways of trying to get a handle around the issues of efficient land utilization and allocation of resources. Those are legitimate questions, important questions the government needs to be struggling with. We would, of course, hope that whatever solutions are developed, whatever strategies are pursued will be based upon consensual approaches that will seek to reduce tension and to provide a real sense of participation on the part of the total population in both the decisionmaking and in the implementation of such plans.

Mr. ROYCE. OK. Let me ask you one last question about the situation in eastern Congo. According to published reports, ethnic Tutsi soldiers have deserted the Congolese armed forces with their weapons, armed Mai-Mai tribesmen are staging diversionary raids to allow Hutu rebels to filter back into Rwanda, and various armed elements are fighting against the Kabila Government. How serious a threat does this fighting in eastern Congo pose to the country's stability, in your opinion?

Mr. WOLPE. We regard the zone of instability to which you refer in the Kivus, particularly in Northern Kivu, as the most volatile zone in the entire region, and a zone that instability within which can impact not only on the Congo and its stability, but also on Burundi, Rwanda, and Uganda. It is a very dangerous situation with a lot of forces at work, ex-FAS, ex-FAR, Interahamwe, Mai-Mai, a whole range of ethnically-based local militias. It is really a very dangerous mix, and we are very concerned.

Mr. ROYCE. Ambassador Wolpe, I want to just thank you one more time for your presence here today and your testimony. I have got another vote in the markup so I am going to have to leave. But thank you once again.

Mr. SMITH. Thank you, Chairman Royce.

I too want to say thank you, Mr. Wolpe, for your expertise and your good work that you are doing. I thank you for your time, which was rather considerable at today's hearing.

Mr. WOLPE. Could I just add just one last comment? Some mention was made, Mr. Chairman, of the Scheffer report. I would just urge all of your Committee Members to look at the full report that Assistant Secretary Scheffer prepared. I think it is a little bit unfortunate that it was somewhat dismissed as a very casual kind of effort. The Ambassador at Large for War Crimes issues is a human rights attorney, an experienced investigator. He went out to the region precisely because of Secretary Albright's concerns in the aftermath of the terrible massacre that had occurred. He, in addition to

visiting the massacre site at the refugee camp, made this trip into the area.

I think he has some context to offer as the basis for his conclusions that lend rather much more weight than perhaps has been suggested up to this point.

Mr. SMITH. I appreciate that. I think every Member should read it. The point that I picked out was on page 12 and thereafter where he did visit the caves and that's where that smell test came in. I mean there is nothing out of context whatsoever. So I take your point.

I would like to thank you, Mr. Wolpe, again for your testimony, and ask our second panel if they would proceed to the witness table.

Mr. WOLPE. Thank you very much, Mr. Chairman.

Mr. SMITH. We have four panelists remaining. Salih Booker has directed the Council on Foreign Relations Africa Studies Program since November 1995. Prior to joining the Council, he worked as a consultant to numerous international NGO's and as a professional staff member of the Committee on Foreign Affairs in the U.S. Congress. Mr. Booker was educated at Wesleyan University, the University of Ghana, and the London School of Economics and Political Science.

Dr. Alison Des Forges is a consultant to Human Rights Watch, has undertaken some two dozen missions to the Great Lakes region of Central Africa. She has provided expert testimony regarding the Rwandan genocide to the International Criminal Tribunal for Rwanda, as well as to judicial authorities in Canada, Belgium, and the United States. Trained as a historian at Harvard and Yale Universities, Dr. Des Forges has written numerous articles and monographs on Rwandan history.

Roger P. Winter has served as executive director of the U.S. Committee for Refugees (USCR) since May 1991. He has also served as executive director of the Immigration and Refugee Services of America since January 1994. In his work for USCR, he is responsible for the organization's program of field work with refugee populations worldwide, though his personal concentration is on East and Central Africa.

Finally, Adotei Akwei is director of advocacy for Africa with Amnesty International. Before joining Amnesty International, Mr. Akwei served as Africa program director for the Lawyers Committee for Human Rights in New York. Prior to that, he worked with the American Committee on Africa and the Africa Fund.

Mr. Booker, if you would begin.

STATEMENT OF SALIH BOOKER, SENIOR FELLOW AND DIRECTOR, AFRICAN STUDIES PROGRAM, COUNCIL ON FOREIGN RELATIONS

Mr. BOOKER. Thank you very much, Mr. Chairman. I would like to begin by noting that the Council on Foreign Relations takes no institutional position on foreign relations issues, and that I am solely responsible for this statement. I am just going to summarize my remarks, and would ask that my statement be entered into the record.

Mr. Chairman, I have been fortunate enough and honored to testify in the Congress over the past year twice on the important developments occurring in Central Africa. In preparation of today's testimony, I had to ask myself has my point of view changed, has my analysis changed because of unfolding developments in the region. I think I will remain fairly consistent with my previous testimony. I think American interests in the region are very similar to elsewhere in the world, promoting security, promoting economic development and perhaps most importantly, promoting democracy and governments accountable to their citizens.

I also feel that the initial defeat of the genocidaire in Rwanda and the overthrow of Mobutu in the Congo offer important, incredibly important opportunities to help turn this entire region away from conflict and toward peace. I also believe that the United States has an important historical responsibility in the region, which I have explained at length before, because of our decades of support to the Mobutu dictatorship.

But I think the most important point in what I'll try to confine my remarks to is that I really do believe that the Congo, now named the Democratic Republic of Congo, is the key to the region, and that without a solution in the Congo itself, it will be very difficult to achieve lasting solutions to the conflicts in Rwanda, Burundi, or even in Angola or in any number of the nine countries that share borders with this enormous and rich country that is the Congo.

I think U.S. policy options toward the countries in the region, I have testified before, that I don't believe it is a question of whether or not to engage. I think we have no choice but to be engaged. I think we have to discuss more what are our objectives of the engagement and what kind of resources are we going to bring to this engagement. I won't repeat the details of all these arguments that I have made in previous testimony.

In terms of recent developments, let me just say that I wanted to differ with Special Envoy Wolpe regarding some of the characterizations, particularly in the Congo, because I see it as less a mixed picture. I think the trends are almost wholly negative. This is a country that I have a great deal of hope for. But very clearly, the Government of Laurent Kabila has increasingly cracked down on democratic forces and civil society in that country. Instability in that country is also further aggravated by the resurgence of various other armed forces by the mutiny and problems within the army. But the greatest cause of insecurity is political exclusion. It is the exclusion in the reconstruction and political transition process that hopefully will take that country from the days of Mobutu to a government that's more accountable to its people.

So I think to characterize the cabinet as inclusive is not accurate. I think to characterize Kabila's Government as on schedule with the 2-year timeframe is also perhaps too hopeful. We are only a year away from the elections that Kabila promised at the time of his inauguration. There is great controversy over the constitutional commission as being not representative of the full breadth of political views in that country. But more importantly, this is an enormous country that is not easy to organize an election in. Without free political activity, none of the political parties or democratic

forces in that country are in a position to organize toward a future where they could contest for citizens votes, to form a government that would be representative of the people's wishes and accountable to it.

Let me skip very quickly to conclude on the objectives of U.S. engagement and how I think we should approach them. I think some of my comments may be controversial because I think security is something we should not run away from in the DRC. I actually believe the United States should be encouraging a regional discussion of security cooperation with the Government of the Congo. I think it is not possible to simply avoid this issue.

The average citizen is facing abuses at the hands of an ill-equipped police force or unreorganized army. So we may criticize the abuses of the Congolese army or the police force. But we have to appreciate the conditions they are operating in and the fact that no one in the international community, save a few neighbors in the region, is prepared to offer the kind of security cooperation necessary to professionalize the armed forces and the police forces.

Other witnesses will testify more specifically about Rwanda and Burundi. I would just add that I think that we really do need to begin to think in terms of security cooperation for the Government of Rwanda, precisely because of the increased insecurity that threatens the prospects of reconciliation in that country, coming from primarily the former genocidaire.

On reconstruction, I think we have to be very serious about a commitment to support economic reconstruction in Congo, both because of its need, our historical responsibility, and the potential. Special Envoy Wolpe pointed out the current package would be largely going through NGO's, but I think we have to be serious about a commitment to help rebuild the state and state structures in the Congo, which will be important to serve the Congolese people beyond the rule of a Kabila or any other individual who might come to power in that country.

I would have to point out that the resources we are committing are rather meager when you consider the size of that country and you consider its enormous needs. What is important perhaps therefore is U.S. international leadership. I do believe that the members of the European Union, as well as the international financial institutions look to the United States for political leadership as well. Many of them may be far more prepared to put up more money, but they do want to see the United States committing serious political leadership on this issue of reconstruction.

Finally, the issue of democratization, which I think is the most important and I think all of the Members today have raised important questions about that. I would simply say that we should have a commitment to this transition to an elected and accountable government. We should try to assure that it's a successful transition. This is the cause for concern right now. There is not a serious indication of a commitment on the part of the Kabila Government to a legitimate transition, a transition that will establish a legal framework and enjoy the popularity of the majority of the population.

In conclusion, I would just say that President Clinton will be visiting the region at the end of this month. He will stop in Kampala,

Uganda, where he will meet with the summit meeting of any number of Heads of State from the region. It could be as many as seven. It could be as few as four or five. They have not publicly released the names. But clearly at that meeting in Uganda, the crises that you are focusing on today will be a major item on that agenda. I think it will be an opportunity for the United States to clearly articulate what its policy toward the region will be, and what kind of leadership it will provide. But the United States is going to need the partnership of these countries in the region to try and help apply pressure in the case of the Congo to ensure it's a successful transition, but also to provide security cooperation so an environment is created where freer political and economic activity can occur. Thank you.

[The prepared statement of Mr. Booker appears in the appendix.]

Mr. SMITH. Thank you very much for your testimony.

Dr. Des Forges.

**STATEMENT OF ALISON L. DES FORGES, CONSULTANT,
HUMAN RIGHTS WATCH/AFRICA**

Ms. DES FORGES. Mr. Chairman, I am Alison Des Forges, consultant to Human Rights Watch. I am a specialist on Rwanda and Burundi. I thank you for the invitation to testify here this afternoon and the opportunity to listen to the stimulating exchange which you and the other Committee Members had with Mr. Wolpe.

The recent trip of Secretary of State Albright to Africa, the upcoming trip of President Clinton, which has been mentioned here, all are indicators of a new tone in the Administration's approach to Africa, and specifically to this region of the Great Lakes. The legislation before the Congress as well, in terms of the economic development package for this region and the amendment which Chairman Smith and Mr. Gilman introduced, are other indicators of the importance which is now being given to this region and the hopes attached to it for economic development and for trade.

These hopes really depend essentially on the question of stability because there can be no positive change in either political or economic terms without a resolution of the security questions which Mr. Booker has just mentioned as well. The past in this region has shown us foreign powers very willing to be complicit in unproductive patterns of government in the interests of a superficial kind of stability. This was certainly true with Mobutu. It was true with Habyarimana in Rwanda. It was true with military officers who ruled in Burundi until finally the region exploded in the ghastly violence first in Burundi, and then with the genocide in Rwanda.

When the refugees returned home to Rwanda more than a year ago and when Kabila took power not quite a year ago, there was a great deal of hope on the part of policymakers that we would be entering a new period of relative calm and stability. That has not proved to be the case. You heard Ambassador Wolpe testify a few minutes ago to the enormous dangers which he sees in North Kivu region of the eastern DRC. The situation in southern Kivu is equally disquieting. I heard yesterday that the Banyamulenge, who were of course the group originally who gave Kabila his impetus, have now taken the important city of Uvira and are openly in conflict with the government army.

In Rwanda, last weekend there was a very significant attack in the prefecture of Gitarama. Certainly not the first, but the most significant in terms of numbers so far, somewhere between 2,000 and 4,000 insurgents who crossed the river which has marked the kind of psychological as well as geographic limit of that northwestern quadrant which people have talked about as being sort of the home base of insurgent activity. That has been traversed now and a very substantial number of insurgents have attacked in the communes of Nyakabanda and Bulinga. In Nyakabanda in the past couple of weeks, 52 people have been killed by the insurgents, 16 of them children.

So this is a sure indicator of the important base which exists for this insurgency within Rwanda. It's no longer enough to talk as Ambassador Scheffer did of reinforcing frontiers, because this is no longer something which is coming from outside across the border. This is something which has a substantial base within Rwanda itself. That needs to be admitted and dealt with by the Rwandan Government and by other governments which wish to be helpful. The fact is there that the insurgents are getting a significant response from the population at large.

In Burundi, the situation sometimes looks more promising because there are intermittent talks going back and forth between the government and the insurgent movements, but the military action continues. The relative stability which we saw at the end of the year in Burundi was purchased at the cost of an enormous number of civilian casualties, particularly as the government forced hundreds of thousands of people into regroupment camps.

The inherent danger of continuing violence in this region increases the importance of dealing with that question of impunity. If we are facing a prospect of continuing military action, and it seems that we really are facing that in all three countries, there must be a very firm resolution on the part of the U.S. Administration in terms of insisting that the laws of war be observed, that international humanitarian law be observed. Both the government armies and the insurgent movements have killed more civilians than they have killed people under arms from the opposite side. The people who are suffering in this situation are the unarmed people who are being forced to choose sides one or the other.

In this context, the most helpful thing the U.S. Government can do is to insist to all parties that those laws protecting the lives of non-combatants must be observed. Now clearly this is easier in dealing with the government armies than in dealing with the insurgent armies. In Burundi, you can at least present this as a program to the insurgent leadership because the leadership is recognized and known. In the case of Rwanda and the DRC, the situation is far more difficult because there is no acknowledged leader at this time. But certainly it should form an essential pillar of the U.S. policy in the region to make that protestation, to make that point clear with whomever has the power to direct the course of military action.

In addition, the United States must firmly and consistently insist upon investigation of all allegations of abuses by armed forces of whatever kind, official or unofficial. I noticed in Ambassador Scheffer's statement, his recommendation that the United States

send its own investigator when such allegations are reported. That may not always be possible, but there are mechanisms already operating on the spot which the United States has encouraged in the past and which it should continue to encourage, namely the field operations of the U.N. High Commissioner for Human Rights. These offices operate with varying success in the three countries. But certainly additional political and financial support on the part of the United States and other donor nations is crucial to allow them to do their job in investigating and documenting these allegations.

Similarly, the United States has taken a relatively strong stand in terms of insisting on free access to the U.N. investigatory commission in the DRC. Ambassador Wolpe gave us a rather optimistic assessment of how that is beginning to work apparently. We had an unconfirmed report yesterday from Mbandaka that witnesses who had appeared before that U.N. investigatory commission were subsequently arrested and interrogated by security services. This is something which should clearly be followed up very carefully because the commission can not do its work if people are afraid to come forward with their testimony.

When investigations reveal good evidence for prosecution in the cases of these grave and serious human rights abuses, the local governments must be encouraged to bring people to trial. Ambassador Wolpe talked some about the progress in the Kwandu context, and certainly it is commendable to see a renewed seriousness in the prosecution of soldiers charged with human rights abuses. In the past, the prosecutions and the punishments allocated have been something of a charade, amounting to \$30 and a minimal jail sentence for violating the necessity of providing help to people in danger. This for commanding officers who are in charge of military operations that cost hundreds of civilian lives.

It is a most welcomed development to see the far more serious prosecution which took place during January of Major Bigabiro, who was charged with killing civilians during the course of the genocide of 1994. It's interesting to note that this case had been in process since 1994 when Major Bigabiro was arrested, subsequent to a number of allegations, including ones by Human Rights Watch, of his having killed civilians in the prefecture of Gitarama. The case then rested until January. I would like to speculate, and I think with some expectation that there is good reason for this, that it was Secretary Albright's visit to the region and perhaps her insistence upon military justice which helped to move Rwandan authorities in the direction of this more serious prosecution of Major Bigabiro.

Certainly the other case mentioned by Ambassador Wolpe of an American-trained prosecutor in the case of the assassination of an officer of the gendarmerie is also an important example of how the judicial system can respond to pressure from the outside to improve itself.

We can not expect that the national judicial systems will be able to cope with the load of cases connected with acts of genocide and violation of international humanitarian law which have taken place and are currently taking place in the Great Lakes region. The United States has been a strong supporter of the international

criminal tribunal for Rwanda. We are in favor of the extension of the mandate of this tribunal, both in time and in geographic scope, so that it would deal with acts of genocide and violations of international humanitarian law up until the present in Rwanda, in Burundi, and in the Democratic Republic of the Congo.

We too are completely in favor of vigorous engagement with the governments of the region. There is nothing to be gained by ignoring what they do. There is nothing to be gained by failing to use the considerable influence which we have with them. We would recommend most strongly that aid be given in a productive and efficient way with targeted increments based upon the continuing improvement of the human rights and democratization record, the improvement of the rule of law in these countries, and that there be built into the program a provision for constant monitoring of the use of the money.

I know that there was a lot of back and forth between Mr. Menendez and Ambassador Wolpe on this very issue, but I would like to stress the importance that the programs be conceived of with a built-in mechanism for monitoring. Otherwise, the monitoring often does not happen. Thank you, Mr. Chairman.

[The prepared statement of Ms. Des Forges appears in the appendix.]

Mr. SMITH. Dr. Des Forges, thank you very much for your extensive testimony. I would like to ask Mr. Winter if he would proceed then.

STATEMENT OF ROGER WINTER, EXECUTIVE DIRECTOR, U.S. COMMITTEE FOR REFUGEES

Mr. WINTER. Thank you. I want to focus on Rwanda. I want to point you to this report by my colleague, Jeff Drumtra. If you are looking for some practical ways to be helpful and with a good comprehension of the context in which programs can be moved forward in Rwanda, I suggest that this report is one good place to start.

I want to talk about Rwanda because I think we over-simplify everything about Rwanda. America is a race-conscious society. Our tendency is to do all our analysis in terms of race, even when it comes to the Rwanda situation. We tend to think only in the Hutu versus Tutsi sort of dichotomy. Let me try to say that the absolutes in terms of that dichotomy simply do not apply in the case of Rwanda, or for that matter, anywhere in the region. Let me from my own testimony just refer to two paragraphs.

The second clear genocide in the world this century occurred less than 4 years ago. It was perhaps 80-percent effective, a very good record. It succeeded in changing the demographics of the Rwandese people forever. The international community stood by while it happened. Nobody has been convicted through international legal procedures. But the huge majority of the Rwandan population is not now engaged in violence or being directly victimized by violence despite what we think. The bulk of the country is tense because of events in the northwest, and as Alison has said, the west, but it is peaceful despite our distorted perspective of the situation.

There are many things wrong in Rwandan society and numerous criticisms which we make here of the Rwandan Government and its security forces. However, we persist in ethnically categorizing in

making our analysis. We continue to refer to the Tutsi-led Government and army in Rwanda. In one sense, that is accurate. But it is also a fact that the majority of the current cabinet and at least two-thirds of the national legislature in Rwanda are not Tutsi. They are Hutu. There are eight political parties that hold seats in the national assembly. We can say all of that is inadequate, but it is at least part of the picture. We refer to the Tutsi-led army, and it is. However, there are perhaps 4,000 or 5,000 members of that army who are not Tutsi. I myself have stood there and watched graduating classes of the ex-FAR at Gako as they "passed out" (i.e. were graduated) as it is said, and were integrated, including as officers, into the RPA. Even among the recent returnees from the end of 1996, there are people from the ex-FAR who have been integrated into the RPA.

Mr. Royce, who asked the question, is not here, but yes, it is possible to conceive of a situation, because it is factual, in which all of those in the ex-FAR are not so ingrained with the idea of genocide. There are plenty of individuals that are not. The Rwandan military has placed hundreds of its own personnel in detention, and has conducted proceedings. We criticize them because they are not moving forward adequately in all of that, but the fact is, the picture can not simply be looked at in simplistic racial terms as we Americans tend to do.

I had members of my board in Rwanda about 2 months ago. These are not experts on Rwanda. They are American civilians who were terrified to go over there but felt it was part of their job as Americans to understand better what genocide is all about and what life after death, i.e. after genocide, is like in Rwanda. They were able to travel the country freely. Not to the northwest, and not to limited parts of the west, but the bulk of the country they were able to travel without escort of any kind, almost like American tourists, although they wouldn't like me to be heard saying that.

The northwest and parts of the west, as my colleague Alison has said, are at least in my view, the center of the problem. This is not a country in which massacring and killing is going on all over the place. In the northwest, most Tutsis died a long time ago, well documented by my colleagues at Human Rights Watch/Africa. That is the part of the country from which at least a half of the old government's officials came. That is the part of the country from which at least three-quarters of the ex-FAR came. That is the part of the country where genocide continues.

I would like, if I might, because I know my time is short, to just read a passage from the Christian Science Monitor from just 2 days ago recounting the ambush of a bus that took place near the brewery outside of Gisenyi just about a month ago. It sort of spoke to the issue that Mr. Royce was trying to get to. "Why the largely Hutu population of the northwest is so steadfast in its support of former genocide leaders is a question that lots of analysts have been trying to figure out, especially since last year. The Hutu insurgents seem solely motivated by ethnic hatred. Their attacks have been mostly on Tutsi civilians. Yet, they are fed, sheltered, and hardly ever denounced by local citizens. Blood ties alone can not account for the degree of citizen collaboration with the

Interahamwe, as the rebels are called. While it is true that the rebels are in the habit of taking at gunpoint whatever is not spontaneously offered, there have been surprising demonstrations of loyalty from the civilian population. More disturbingly, there have been collective displays of solidarity during and after rebel attacks. One such display came during the attack on this bus in which 35 people were killed. Hutu peasants surrounded the bus and burst into songs of Hutu supremacy as the 35 people were massacred. It is incomprehensible says one western diplomatic. They know the army will come back and punish them, yet they stand there and cheer."

This is a very complicated situation. This is not a situation in which we can afford to let ourselves lapse into simplistic analysis and in particular solely into racial analysis. All Hutus and all Tutsis do not instinctively kill each other. In fact, overwhelmingly they don't. My suggestion is that you analyze the situation in terms of killers and non-killers. We ought to be after the killers, whether they are Hutu or they are Tutsi, if they kill gratuitously.

Rwanda is a society in transition. It is far from perfect. However, it isn't anywhere near what its repugnant predecessor was. It isn't nearly as bad as it could be. But it sure is not what those of us sitting at this table want it to be either. I have a lot of concern that we are at a point, a tipping point in the case of Rwandan society that calls for careful analysis, that calls for balanced analysis, and it calls in my view for help for the society. We have made a lot of suggestions about how to help. I agree with Salih Booker that we ought to really look hard about improved security assistance to that government.

I believe, Ms. McKinney, that you were right on target when you raised that question about ERMA before. There's \$120 million in that account that is for emergencies. We have a refugee returnee emergency with all of these people who have returned back to Rwanda. It is a government, in my view, a society that desperately needs our help at this point. But it has got to be help that understands clearly there are rights and wrongs here. These are not ethnic issues only. They are rights and wrongs. We need to be on the side of the right. Thank you.

[The prepared statement of Mr. Winter appears in the appendix.]

Mr. SMITH. Thank you very much, Mr. Winter, for your testimony. I would like to ask our final witness, Mr. Akwei, if he will proceed.

STATEMENT OF ADOTEI AKWEI, AFRICAN ADVOCACY DIRECTOR, AMNESTY INTERNATIONAL

Mr. AKWEI. Thank you, Mr. Chairman, and Members of the Committee. I am glad to say that I don't think Amnesty International needs an introduction to any of the people sitting up there. You have all done amazing work for us. I think I'd like to express our gratitude on behalf of your work on China and also on the Great Lakes area, and also to Congressman Payne and also Congressman McKinney.

The benefit of coming at the end of an illustrious panel like this is that most of the salient points have been made. Given the time that we have been here, I'll try to keep myself as brief as possible

because I think the question and answer might be the more beneficial part of this discussion.

I would like to focus my comments on all three countries that have been discussed earlier, Burundi, Rwanda, and the Democratic Republic of Congo. Then also really talk just a little bit about some of the recommendations Amnesty is making. First I would like to say that these hearings are extremely timely because they are addressing an incredibly important global crisis. They are not a Central African crisis. They are not an African crisis. They are a global one in that the situations there directly challenge and undermine universal standards of fundamental rights, and that these are the rights and norms that we have created to protect ourselves from our own worst behavior. Put more bluntly, if these violations of fundamental rights are not challenged, they can and they will spread simply by the sheer force of example.

The Great Lakes crisis is also a global one in that even though the genocide that happened in Rwanda was located in a specific nation-state, its impact was anything but specific to Rwanda. As Roger just mentioned, it generated massive refugee flows and basically destabilized Tanzania, Burundi, and the former Zaire. This of course has also led to the disruption of food production and generated an unprecedented humanitarian assistance program which has involved countries around the world.

The second reason I think this hearing is critical is because of the President's upcoming trip. I understand completely what Congresswoman McKinney was saying about the need to focus attention on the Great Lakes crisis and to use the President's visit there. It is unfortunate, I agree, that he is not going to address such an important issue by visiting the site. Then unfortunately he is also not going to be talking about a number of other problematic regions on the continent.

Third, we think these hearings are important because we are concerned that the situation is not improving, and that if we sit here and discuss whether there is a genocide occurring or whether there isn't or when it's going to happen, we are missing the key question, which is whether we are not repeating the failure that we exhibited in 1994 to respond when we were all waiting for the big explosion to which there could be no walking away from.

Over the past year, and this will be a summary, Amnesty has been monitoring human rights developments in all three countries. Since the coup d'etat that restored President Buyoya, there are estimates that the government forces killed on the average about 400 people a month, with the rebel militias accounting for another 400. The death toll is conservatively put in Burundi at about 10,000 for 1997. There are all sorts of atrocities that happen in specific areas.

The conflict in Burundi also generated roughly 200,000 refugees and displaced thousands of others. One of the more disturbing aspects of this has been the creation of regroupment camps, which the government has claimed are to protect Burundians from attacks. Unfortunately, many of the men and women and children who have been attacked and killed by the Burundian armed forces have been executed during these processes of regroupment.

I think the interesting thing here is to talk about what was going on in the early 1990's when similar extrajudicial killings were oc-

curing, not only by the members of the Burundian military, but also by members of the Hutu majority, who are frustrated with the lack of justice at the hands of Tutsi Government officials.

I do understand Roger's point about not using these definitions. I think I would just like to use them now to go through the presentation fairly quickly. But basically the people who did not have access to control over their judicial system suffered because of it, and suffered in a major way. That led to the development of real animosity.

There have been extrajudicial killings in Rwanda by the Rwandese Patriotic Front, as well as by members of the former Rwandese armed forces and the militias. In particular, in the northwest of Rwanda forces linked to the government and Interahamwe have escalated their attacks. They have resorted to freeing captured rebel Hutu soldiers, and massacred villages suspected of not supporting their causes.

All of us probably remember the most dramatic one was the day Secretary of State Albright arrived in Kigali. Hutu rebels massacred around 300 Tutsi Congolese refugees in Mudende. There is little doubt that the forces linked to the former government continue to operate with the same intentions as they did in 1994, the seizure of absolute power in the country and the removal of any challenges to it.

However, at the same time, word began to spread of a large massacre by the Rwandan Patriotic Army at the caves in Kanama, which occurred in October. Amnesty International received information that put the death toll as high as several thousand; some of them possibly being sealed alive in the caves. Despite a swift response by Secretary of State Albright to investigate the massacre by the dispatching of Ambassador Scheffer, for which they should be lauded, no one has been able to satisfactorily investigate just what happened, and therefore to prove whether the figure was higher or the figure was lower. Until this has been done, whatever happened in those caves, the Rwandan armed forces can and will be perceived as violators by the population in the surrounding area. That is going to contribute to the tensions within the country.

There is also the issue in Rwanda of the persons incarcerated in Rwanda's jails, where the number is roughly around 150,000. In addition to facing difficult conditions within their incarceration, they also face a judicial process that however well intentioned, is over stretched, under staffed, and under funded. For most of the population it has so far failed to deliver justice. Where cases have gone forward, they have been plagued by judicial shortcomings and have resulted in several death sentences which have only increased tensions.

I would like to add that while some may dismiss our critique of the judicial process as unrealistic, perceptions of justice and injustice can not be underestimated in Rwanda. These trials are taking place before a volatile audience, some of whom can not wait for revenge and others already convinced that they are nothing more than a facade for reprisals, for genocide. It is all the more important that the proceedings be conducted in a manner which gives both camps as little to attack and reject as possible.

There is also the issue of the increasing imposition of capital punishment, and also reports of summary executions. An Amnesty mission that just returned from Rwanda a couple of days ago also expressed some concern about the increasing occurrence of disappearances, not just in the northwest, but throughout the country.

I would like to just go through very quickly now to the Democratic Republic of the Congo, where in our opinion, the government's performance so far has been very disturbing. Since coming to power, the AFDL Laurent Kabila-led regime has displayed an intolerance for criticism and debate by banning political parties, harassing and intimidating and jailing members of nongovernmental organizations and the media. Less than a month ago, as was mentioned earlier, after Reverend Jesse Jackson met with Etienne Tshisekedi, the government's response was to cancel their meeting with Reverend Jackson and ban Tshisekedi to house arrest in his own village. We have also mentioned already the AFDL's links to internal massacres in the former Zaire that occurred during their takeover and have occurred since then.

I would like to say that in short, and move on very quickly to the recommendations, the general human rights situation in all three countries remains poor and vulnerable to further deterioration. Indeed, we believe that unless decisive action is taken to prevent this deterioration, the question is not one of whether there will be another explosion, but rather, when it will occur. Amnesty International feels strongly that the time to act is now, which I think all of us have basically agreed on, when the levers of pressure from the international community still have some structures to work with and before yet another massive loss of life occurs.

Mr. Chairman, no one is going to say that the issues in the Great Lakes are not complex because they are. Nor will their resolution occur quickly, as some say the human rights community demands, because we know they will take time. However, for the ordinary civilian in any of these three countries, there is no more time, given the risks they face on a daily basis. At the same time, a rights-respecting environment which I think we all agree is essential to building stability and facilitating the creation of mechanisms for dialog and negotiation, will only be established if there is consistent forceful pressure and support to move in that direction.

With this in mind, we have indicated a couple of priorities and recommendations that we think should be taken into account by the U.S. Government. I would just like to mention two of them. We have broken them down into enabling mechanisms that will protect human rights, and disabling mechanisms that support violence.

In terms of the means of trying to reduce the violence, I think I would have to agree with my colleagues that one was to engage the military and security in these regimes. But that does not mean a carte blanche exchange of training or of equipment. There should be a standardization and a monitoring of training and the transfer of any kind of equipment by all members of the international community at the same time to ensure that such training does not contribute to human rights violations, and that it increases the respect and protection shown by security forces toward the rights of their civilians.

This could involve implementation of the Leahy amendment, the code of conduct which Congresswoman McKinney has been such a leader on, the Nobel Laureate Code of Arms on transfers, trying to get IMET training to be fully monitored, to be fully transparent in its human rights training programs, and also evaluated. If there is no progress shown, there should be a serious decision not to continue.

With regards to Burundi, certainly there should be a serious attempt to stop the flow of arms going into both sides of the conflict, and possibly restarting or reactivating and enhancing the abilities of UNICOI, to ensure that the embargo is respected.

In terms of the enabling mechanisms, I think we would specify support for the War Crimes Tribunal, and not just financial support and political support, but also managerial support. Giving people the money and not helping them actually achieve their objective is wasting U.S. taxpayer dollars.

The final recommendation I think is the one we have all touched on very briefly. That is basically trying to protect refugee rights in such a volatile region. Refugees are at the bottom of the totem pole in terms of consideration. If there is any way to increase those, I think Roger's point about trying to get assistance, but also trying to make that assistance include a clear definition of rights and acceptable behavior and unacceptable behavior will probably help quite a bit. Thank you.

[The prepared statement of Mr. Akwei appears in the appendix.]

Mr. SMITH. Thank you very much for your testimony. I want to thank all of our four witnesses for their testimonies. Regrettably, I have a high-level meeting I have to get off to at 3:30, which I am already late for. But Mr. Payne has graciously agreed to assume the Chair, so I do have some written questions I would like to present to you, but regrettably I do have to leave.

Mr. PAYNE. [presiding] Thank you very much. I'll declare that all of the meetings for the rest of the year should be chaired by me.

[Laughter.]

Mr. PAYNE. In fact, I was passed to the zero, so we're in charge now.

But we certainly appreciate the testimony of the four of you. You are all expert in the field. We always look forward to hearing from you. I have so many questions, but I'll be relatively brief. It is late and we do want to hear from our other colleague.

We heard the question regarding the political situation in the Democratic Republic of Congo. There has been what has been called disappointing because of the lack of the ability of political parties to operate. Actually political parties are not banned, it's just that they have been restricted from demonstration and overt political activity. I interestingly enough supported that initially because of the lack of trained personnel and police, and indeed military, and felt that the volatility of the situation when the new government came into power felt that substance over form, that the form looked bad but substance, that the bottom line was would less people be put in harm's way if demonstrations at that time were banned. I do think the time has come where there should be an unbanning of political demonstrations.

But my question is this. I would like for all four of you to respond. When Mr. Kabila took over government, there was as you know a series of meetings with U.N. personnel, our U.S. representative to the United Nations, and other representatives of our government. This question of a 2-year election was fostered or was eventually declared by Mr. Kabila, that he would hold elections in 2 years. My opinion was that it was totally unrealistic at that time for a country not to have ever had real elections, because the only real election was, I guess, the election of Patrice Lumumba, and he was killed. So we have got a long period of time since any elections were recognized.

What is your take on that goal at that time? Do you think it was a realistic goal? Where do you think that is going at the present time? If we could just across.

Mr. BOOKER. Thank you, Congressman Payne. I think even some of his closest advisors at the time advised him that it was too short a timeframe. I think at that moment he probably could have set a timeframe of longer by a number of years because he enjoyed that kind of popular support and a measure of international good will at the time, and because people are cognizant of the enormity of the country and the almost complete absence of any infrastructure necessary to conduct a real election.

But he did make this choice of 2 years. I think at the time that he stated that in terms of your specific question, I feel it would have been a realistic goal if that had been pursued vigorously as a top priority. In other words, if the AFDL had sought to embrace the existing democratic forces in the country, what some analysts have referred to a marrying of the so-called revolutionary forces of Kabila and the liberation army, so to speak, with the pre-existing democratic forces that had been non-violently opposing Mobutu. That type of approach, with a concentration on establishing a constitution, electoral law, and organizing for elections, I think could have made 2 years realistic.

I feel at this point, however, 1 year into that timeframe, that the environment is not being created in Congo for a successful election in April of next year.

Mr. PAYNE. Thank you.

Ms. DES FORGES. I would concur with Salih that the time table is perhaps less relevant than the direction of change. When we see the enforced rustication of Mr. Tshisekedi, and when we see the abuse of journalists who attempt to report independently on what is happening, these are the issues which seem to me of more immediate concern than sticking to a given calendar. We can all understand that sometimes we get a little behind. That happens to anyone. But what is important is the commitment to openness and to inclusiveness. It seems that that's what is in question here.

Mr. WINTER. Without repeating, because I agree with both of my colleagues, let me say that I think his commitment was one of what have demonstrated to be many evidences of his ill-preparedness for the job he assumed. I think it's very unfortunate that this issue of timing of elections has become the focus of everybody.

I can remember about the eighth of July 1994, when General Kagame held his first press conference after that government assumed power. The first question he was asked was, "And when will

you hold elections?" He said "The bodies are still warm." But for those of us in the West, this is a necessary goal for us. But to make it an absolute litmus test, especially in the case of somebody like this gentleman in Kinshasa who is obviously ill-prepared for the role he had to assume, I think it's a false litmus test. We are both wrong, if we foist it on him and if he makes a silly commitment.

Mr. AKWEI. I would just like to concur with what Alison, in fact actually all of them, said. That really it's an indication of his commitment that is really the disturbing thing, especially since there was civil society, which you know very well, Congressman, that survived under Mobutu. There was the national conference. The churches had been involved. He has basically moved further away from creating an enabling environment than he was a year ago.

Mr. PAYNE. Thank you. There certainly was a semblance of organizations in place that could talk about elections. Of course I don't think Mr. Mobutu was ever prepared to have them. It would always get up to the point where then there would be a reorganization or a co-opting of the leadership. But there definitely was during this, at least the past 7 or 8 years prior to the new government, discussion and dialog.

I have a question regarding this notion of the villagization which is reported in your report. How can this, in your opinion, how can this begin to go on with the instability? Do you think that there has to be perhaps more stability in order for this to move forward? Or can it move forward with the instability that currently is in the region?

Mr. WINTER. What we have tried to do in this report is suggest that there are a good number of efforts that may have some positive value to them that have a tendency in Rwanda to go awry. That's also true in many other places; but well-intended things that could have some positive benefit. The arguments for villagization, which I don't consider myself an expert on, really have to do with improved security for civilian populations, and secondarily, better land use in this highly densely populated country.

The problem, from our perspective, is that while there may be a rationale, and that's for Rwandans perhaps to decide, that we have seen a pattern in which the government seeks to do something and implements it in a way that is defective. They are doing the same thing with their reorientation program in which it's not a bad idea from our perspective to try to reorient people away from a genocidal mindset. But on the other hand, if you make it a requirement for folks to go through it in order to get a job, but then you run it in a fashion that doesn't really facilitate people to actually pass through it and get jobs, then it becomes a source of instability and perceived injustice.

We are afraid in this case of seeing a government attempt to implement a program in a ham-handed fashion. We don't want to see people compelled to leave their land in order to go into some villagization arrangement. So we have a lot of concerns about it from that perspective.

Mr. PAYNE. I have some other questions, but I have been advised by staff I shouldn't get into a dialog. Unaccustomed as I am to be in the Chair, you know, we could sit around here and have a little

roundtable discussion, you know. But let me yield a little of my time to the gentlelady from Georgia.

Ms. MCKINNEY. I'm glad that the chairman, the temporary chairman is just that temporary, or else the gentlewoman from Georgia would never get a chance.

[Laughter.]

Ms. MCKINNEY. Thank goodness we're friends though.

First of all, I would like to commend you, Mr. Winter, for the Washington Post op-ed that you wrote a few days back which I thought was excellent. I did my fair share of circulating it around the globe. I would like to commend all of you for your commitment to the people of Africa.

I note with some interest that there seems to be some consensus here on this panel about the potential role for U.S. military training. Now you know I am sometimes accused of being a knee-jerk liberal, anti-military type person. For that reason, I requested to serve on the National Security Committee. So now I find myself in a unique position on a unique committee. But I am also interested in this whole subject of security and insecurity. How in the world can you move toward democracy or economic development if there is no security?

Could you talk to me briefly about how you could envision such U.S. military cooperation. Also second, if you feel that a second round of hearings that would explore specifically the security situation with participation from DOD and others who would be able to make some specific recommendations would be appropriate.

Mr. BOOKER. On the idea of the hearing, I think it would be an excellent idea. On the question of the Congo in terms of security cooperation, I think unfortunately I'll be quite frank. I think politically it would be difficult to get the Congress to agree. However, I think the issue has to keep being raised and debated in terms of direct U.S. participation.

But I think there are immediate things that the United States can do, such as supporting international police. There is an international police body that does indeed provide training, et cetera, has in Haiti, et cetera. So there are other multilateral mechanisms we can talk to that we could participate in perhaps in providing that kind of assistance.

In terms of military reorganization, I think it might be very appropriate and perhaps even during the President's trip, to talk to SADC, the Southern African Development Community, which of course the Congo is now a member of, and which has its own central organ for security cooperation, joint training, et cetera. Because as it is now, I think this lack of addressing these problems are a major cause for insecurity. I come to this conclusion because of my last visit in Congo, where even critics of the AFDL and of Laurent Kabila's rule expressed a need for international engagement to provide security cooperation.

In the case of Rwanda, I think again, it politically is a difficult and sensitive issue. But I think what we are seeing in terms of increased insecurity in Rwanda forces the issue onto the table. I think we should address it forthrightly.

Ms. DES FORGES. I am glad you raised the issue because after I had finished speaking, I was busy turning over my words in my

mind thinking maybe I wasn't clear here. I think maybe I wasn't clear.

On the security issue, there are two things that must be said. First of all, the importance that we must attach to the Rwandan Government and to other governments looking at the situation as it is falling on its face, and recognizing the extent of this insurgency, I think it does no good to keep on talking about the northwest quadrant if in fact there are 2,000 to 4,000 insurgents in Gitarama. Gitarama is the heart of the country. It's not the northwest quadrant.

The argument that the people in the northwest are either family of insurgents or this is the homeland of Habyarimana, or whatever other kinds of explanations you might want to give for there being a base for the insurgency in the northwest, those kinds of arguments do not hold true on this side of the Nyabarongo River. If people on this side of the Nyabarongo River are letting 2,000 to 4,000 insurgents go by their front door without saying "boo" that tells us something about the situation which needs to be dealt with frankly and openly.

My second point is that we do not advocate U.S. military assistance to Rwanda. But if such assistance is to take place, we would insist that there be a high level of awareness of the responsibility that the United States undertakes in such circumstances should there be significant violations of international humanitarian law, either by American troops or by Rwandan troops associated with American troops.

Ms. MCKINNEY. Ms. Des Forges, it's my understanding that recently there were some insurgents who came from the northwest part of the country into Gitarama and they were turned in by the people of Gitarama and subsequently lost their lives in a clash with the armed services. So how do you square that occurrence that just happened a few days ago with the assertion that inside Gitarama itself there are 2,000 to 4,000 insurgents?

Ms. DES FORGES. Both happened. Different parts of Gitarama no doubt. It's a prefecture that has a number of communes. I did not myself see the 2,000 to 4,000. Right? I'm basing this on news accounts. I did speak to someone who traveled through Bulinga commune yesterday and there was an ambush on the road in Bulinga yesterday. So those are my sources of information. But it's very possible, even in the northwest as Roger pointed out, this is not a situation of all-out war on every square foot of the territory. There are pockets of calm and there are pockets of conflict. My point is though that if you are finding pockets of conflict in Gitarama, it does not say that all of Gitarama has now gone over to the insurgents. But it does say to you here is a warning signal, here is a signal that these people are spreading their base and that the government needs to find some way to deal with this. The recommendation would be that they deal with this by looking at their own policies of political exclusion rather than attempt to deal with it militarily.

Ms. MCKINNEY. After I hear from the other witnesses, I would like to come back to you on this issue of political exclusion.

Mr. WINTER. Well, you finally got to a point where we don't have solidarity at this table. Let me just suggest that I wouldn't use the

term "instability" like Salih Booker did. I wouldn't use the term "insurgency". What we have is a resurgence and continuation of genocide. These are the same people or many of them with the same philosophy. They may not have been involved a few years ago. This is a resurgence of genocide. Although I wish to God that it were not true, my belief is that for those who are committed to that philosophy, it will take force of arms to deal with them. I wish it weren't true, but I believe that that is the case here.

Mr. AKWEI. I think I would have to agree with Alison that Amnesty would never enthusiastically call for military training, with the exception of training that was specifically focused on building capacity, and with respect for promotion for human rights. I think that we have all worked on areas of past performance which have been less than satisfactory in terms of U.S. military training.

Ms. MCKINNEY. Yes. I understand.

Mr. AKWEI. So I think this is an extremely complex issue. But Salih's point is right, that there is a need for some type of training. It's probably best done not through a bilateral means, but through a very open transparent and multilateral system which is focused on principles or built on principles like the United Nations promotes respect for human rights, peace keeping, standards of behavior, the things that you have been trying to work on in the code of conduct.

I think that Roger's point about this being a resurgence of genocide is appropriate, but it may not really make that much of a difference in the final, in the end result in that the violence that is being perpetrated by both sides contributes to the instability of the region, and that both sides are guilty of atrocities.

Ms. MCKINNEY. Mr. Chairman, can I ask one more question?

Mr. PAYNE. Yes. You may.

Ms. MCKINNEY. Mr. Dictator.

[Laughter.]

Ms. MCKINNEY. Mr. Strongman.

[Laughter.]

Ms. MCKINNEY. I would like to return to the issue that Ms. Des Forges brought up about the political exclusion. Could you just talk a little bit about that briefly, please?

Ms. DES FORGES. The RPF at the time of its formation and before it began its military action, developed a platform which was very strongly committed to multiethnic action. That continues to be its official position.

The government which was put in place in July 1994 observed the terms of the Arusha Accord, which was an accord that assigned roles in the government by political party. Right? It was basically a negotiated agreement among political parties with the exception that the MRND, the party that was held to be chiefly responsible for the genocide, was not granted the seats in government which had been allocated.

The people who joined that first government included a number of spokesmen who had authentic and real bases of power. So that it represented in a sense a coalition of forces. I think here, for example, of Alexis Kanyarengwe, who was a military man from the northwest, who had significant alliance at one point with

Habyarimana, fell out, left the country, joined the RPF, and brought a significant part of northwestern Rwanda to the RPF.

Kanyarengwe was the first President or chairman, he had both titles, of the RPF. He subsequently served as Minister of Interior. He has been progressively marginalized, and finally has left, has no longer either the position in a ministry or a position in the party structure.

Tsesendishonga, a second example, a young man with a significant base of political power, a member of the RPF, came from the western part of Rwanda, served with the troops throughout the phase of the building up of the organization and the act of warfare and so on and so forth, was the interface between the organization outside the country and political forces inside the country. Became the Minister of the Interior. Left the government in 1995. Subsequently left the country and has become a significant opponent to this government.

Ms. MCKINNEY. Where is he now?

Ms. DES FORGES. I believe he is in Nairobi. I make no judgment on the rights or wrongs of these various cases. I could give you, if we had time, I could give you six, seven or eight more.

Ms. MCKINNEY. Maybe we can follow up.

Ms. DES FORGES. OK. But my point here is simply that right or wrong, these were authentic voices that had local power bases that were important to exploit, and that those voices are no longer part of this government structure. Because of that, there is less of a root system for the government to draw on. So that when an insurgency threatens, they simply do not have the same root system in the population in order to fight that insurgency. That's all I am saying.

Ms. MCKINNEY. Thank you, witnesses, and thank you, Mr. Chairman.

Mr. PAYNE. Thank you very much. The point brought out about the SADC having its own kind of a training system or security or others, I look at ECOMAG as sort of a regional military training operation. Although it sort of did have some positive impact, the majority of the time in Liberia it also proved to be very unstable, turned into banditry at one point when they decided to just rob Liberians. Do you honestly think that SADC is strong enough or properly equipped to be able to provide the same kind of training as the IMET program?

I know that the Rwandan Government would like to have assistance from IMET to attempt to professionalize their military and to deal with the ever-mounting security problems. How would you rate the regional groups?

Mr. BOOKER. I think the armed forces of the SADC countries have a higher degree of professionalism than the Nigerian military. They are also accountable, all of them, to civilian governments. I think a regional multilateral mechanism like that would be politically important also to the Congolese, both the government and the people. I think it would be politically important for us in the United States to be able to play some role and cooperate. So I don't suggest it as an alternative to IMET or U.S. bilateral programs. I just don't see that as politically feasible in the short term, and this is a short-term problem. So I think that's something that could possibly be promoted right away.

You already have Angolan involvement in Congo in a big way during Kabila's rise or ride to power, and continued involvement to some degree. You also have Tanzanian involvement increasingly apparently, in terms of training and other roles in the reorganization of the military. But this is all being done rather haphazardly and not with a clear plan and a full sort of multilateral agreement of how it could be accomplished.

Mr. PAYNE. Just finally, on the refugee question, Mr. Winter, the refugee department here in the United States now headed by Ambassador Taft, is looking at the so-called mixed marriages for the possibility of resettlement in the United States. I suppose most of them are in Tanzania. Have you looked into this matter? Do you feel that this would be a special category of people that ought to be given special attention in the refugee program?

Mr. WINTER. I have not looked at it specifically. But mixed marriages in a situation of communal violence, which is what we are talking about here (we have the same thing in the resettlement from the former Yugoslavia now), tend to be people who feel ill at ease security-wise in a community which is ethnically identifiable because one of the partners feels at risk.

You recall that the issue of killing within mixed marriages was one of the features of the genocide. It was very often the case that Hutu men, in particular, would be told that they had to kill their Tutsi wives. In many cases they refused to do that, were themselves killed. In some cases, they did that. So this does seem to me to be a particularly vulnerable population. I am not somebody who encourages a lot of resettlement just willy nilly, but this does seem to me to be a particularly vulnerable population if they are going to be required, as many people in Tanzania have been, to return to Rwanda.

Mr. PAYNE. Thank you. Just the last question. You know the Mai-Mai and Interahamwe extremists are sort of getting together. There is some feeling that there seems to be pulling together a kind of an organized campaign. Does anyone feel this or do you think it's just a continuation of the past, that there is not a kind of conspiracy of coming together and trying to have another final plan?

Mr. BOOKER. My simple response would be I don't think there is a conspiracy, but this is how conspiracies develop and emerge. In other words, I think there could continue to be an increased coordination among these various forces to the extent that they feel their interests are served. That only serves to further undermine stability, particularly in eastern Congo. That's a kind of military insecurity I think that is extremely dangerous right now in that part of the region.

Ms. DES FORGES. It seems to me at the time of the genocide itself, there was already some propaganda in eastern Zaire in talking about the distinctions between the Bantus and the Ethiopids. Right? So it's an idea that has been around for a long time. I don't think you would call it a conspiracy. I think that there remains enough differences among these people, differences based on local cultural values, differences based on personal rivalries and so on, that you are not going to see any massive movement to take things over. But you are going to see a continuation of what has already

been the case. That is, exchanges of arms, exchanges of training, maybe a few men from one group go and lend their hands to another group and that kind of action for sure. In the same way that you have seen that kind of thing also happening on the part of government forces.

So what is happening is a transnational divide here. It's a new cutting across that goes across national boundaries on ethnic terms.

Mr. PAYNE. With that, I once again thank all of you expert witnesses. I think you all add a great deal to our continued search for a solution. Thank you very much.

[Whereupon, at 4:05 p.m., the Subcommittee was adjourned, subject to the call of the Chair.]

APPENDIX

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CHRISTOPHER H. SMITH

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1997-1998
INTERNATIONAL RELATIONS

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**COMMISSION ON SECURITY AND
COOPERATION IN EUROPE**

Chairman

STATEMENT OF CONGRESSMAN CHRISTOPHER H. SMITH
Chairman, Subcommittee on International Operations
and Human Rights
March 5, 1998

Today's hearing is the second in a series that began over a year ago, in November 1996, to examine the causes and possible solutions of one of the greatest and longest-lasting humanitarian crises in the history of the world.

In 1994 at least a half-million men, women, and children, mostly ethnic Tutsis, were slaughtered by Hutu extremists who then controlled the Rwandan military. Later in 1994, after the Tutsi-dominated Rwandan Patriotic Army had defeated the former government, an estimated two million Hutus fled to neighboring countries. In the country that was then called Zaire, an estimated 1.2 million went to refugee camps established by the United Nations High Commissioner for Refugees (UNHCR).

Unfortunately, these camps provided safe haven not only for genuine refugees, but also for former soldiers of the Rwandan Army and associated Hutu militias who had committed atrocities against their Tutsi countrymen. These elements --- the so-called "ex-FAR" and "Interahamwe" [In-ter-HAHM-way] --- used the camps as bases for armed incursions into Rwanda. The UNHCR and donor nations including the United States were unable or unwilling to separate the terrorists from the refugees.

Late in 1996 the refugee camps in Zaire were attacked and overrun by ethnic Tutsi militia supporting the then-rebel alliance of Laurent Kabila, with the active support of the Rwandan Patriotic Army. Many of the refugees --- including innocent men, women, and children as well as ex-FAR and Interahamwe --- were killed. Over half a million returned to Rwanda. Many thousands of others remained in Congo, where they faced starvation, disease, and armed attackers. The UNHCR and relief organizations were denied access to these refugees by the Kabila forces. Many thousands more died or were killed during 1997, even after Kabila had consolidated his power over Zaire and re-named it the Democratic Republic of Congo.

When President Kabila took power, he promised elections within two years. Now he says this will be impossible, and that foreign governments who want to hold him to his original promise "understand nothing of what is going on in the Congo." Last month the Kabila government arrested Etienne Tshisekedi, [ay-TIEN SHEE-seh-KEH-dee], a long-time democracy advocate who was the most prominent opponent of the Mobutu regime and who has remained the

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most visible opposition leader in the Congo under Kabila. Tshisekedi has been forced into internal exile in his home province in the east. Meanwhile, the UNHCR claims that tens of thousands (30,000-35,000) of Rwandan Hutu refugees remain dispersed and unaccounted for throughout the DRC. The Kabila government effectively has forced UNHCR to stop trying to help these people. And Kabila has repeatedly obstructed the UN investigation into alleged massacres of civilians by his forces. The investigators finally began about a month ago, over a year after some of the massacres are alleged to have taken place.

In Rwanda, the State Department's Country Report for 1997 bluntly notes that the Rwandan army "committed thousands of killings" of unarmed civilians in the past year, including "routine" and "systematic" killings of "families, including women and children."

One of the such massacre is said to have occurred in a complex of caves in Kanama [Kah-NAH-mah] in October 1997. According to Amnesty International reports last December, between 5,000 and 8,000 civilians were killed after they fled into the caves in an attempt to escape from the RPA. The Rwandan government strongly denied the allegation. The United States Ambassador-at-Large for War Crimes Issues, David Scheffer, visited the mouth of the caves under RPA escort on December 15, 1997, but did not go in. He dismissed the Amnesty International account based on his assumption that "[i]f there were thousands of dead bodies in the caves, the smell of death would have been much more powerful and the flies more numerous." There has been no further investigation.

Meanwhile, an armed Hutu insurgency (involving ex-FAR and Interhamwe forces) continues, especially in northwest Rwanda. In response, the Rwandan Patriotic Army (RPA) has continued its counter-insurgency efforts. Both Hutu insurgents and the Rwandan government have continued to commit serious atrocities against civilians. In a December 1997 attack on the Mudende refugee camp, presumed Hutu extremists killed over 300 Tutsi refugees, including women and children, who had fled to Rwanda from Congo. The U.S. Government has characterized the attack as "genocidal."

In Burundi, fighting continues between the Tutsi military government and rebel forces from the majority Hutu population. Both sides commit atrocities against civilians. An estimated 200,000 people have been killed since October 1993. The Country Report for 1997 contains numerous reports of massacres by government soldiers.

Despite the deeply flawed human rights records of the governments of Congo, Rwanda, and Burundi, and despite the fact that none of these three governments is a democracy, the official United States posture seems to be that things could be a lot worse. The best thing that can be said for Laurent Kabila is that he is not Mobutu Sese Seko. The best thing to be said for the Rwandan Patriotic Army is that they have killed far fewer innocent civilians than the army they replaced. Even the military dictator of Burundi, Pierre Buyoya [Boo-YO-yah] has been regarded by our State Department as a moderate by the standards of military dictators in this part of the world. Largely on the strength of these attributes, our government has provided assistance,

including military assistance, to the government of Rwanda, and is preparing an assistance package for Congo.

Critics of this policy believe that the United States has not learned the lesson of the failure of its past support of "big chief politics" in the region --- a preference for strongmen because they supposedly represent the best hope for stability. These critics fear that the new leaders may turn out to be smoother talking versions of the strongmen of the past. A lasting peace must be based on reconciliation, and reconciliation must be based on democracy and respect for human rights.

The Administration and its supporters suggest that assistance and co-operation must come first, in the hope that human rights and democracy will follow. This is the road of "constructive engagement," and it is a road that has been exceedingly well traveled in recent years. Perhaps someday it will lead to freedom. So far it leads only to Beijing and Hanoi and Jakarta.

In November of 1996 the Subcommittee on International Operations and Human Rights held a hearing on many of the same issues we face today, with some of the same witnesses we will hear today. At that hearing the United States government witnesses predicted a speedy restoration of peace, order, and justice. Almost a year and a half later, the people of the Congo, Rwanda, and Burundi, are still waiting and still suffering.

I look forward to the testimony of our witnesses.

**CONGRESSMAN DONALD M. PAYNE
OPENING STATEMENT
JOINT SUBCOMMITTEE HEARING OF AFRICA AND HUMAN RIGHTS
"ONGOING CRISIS IN THE GREAT LAKES"
MARCH 5, 1998**

I would like to thank both Chairs of the Africa and Human Rights Subcommittee for calling this hearing about the ongoing crisis in the Great Lakes. I have visited the region before and after the genocide of '94 and I am sure that everyone will tell you that this is probably one of the most difficult issues I have come across in a long time.

April 6 has become synonymous in Rwanda as a date that began a lot of the chaos, death and destruction. In Rwanda after the Habyarimana's plane crashed began the death and destruction and culminated with the genocide of Tutsis and moderate Hutus.

I listened to the victims and their families giving an account of the genocideres that hacked and machete their victims. Some tore limbs from the young children so that when they grew up they could never pick up a weapon. I applaud Ambassador Albright efforts to set the record straight when she admitted that the Administration made mistakes. Even a exhale was let out when General Romeo Dallaire, former UN peacekeeping force, gave a very moving and emotional account of the United Nations failures. He said and I quote, Article 17 of the rule of engagement specifically allowed the use of force to stop or prevent crimes against humanity. He said that he made this point over and over as the killings spread outside the capital and genocide leaders traveled to the farthest corners of the country telling Hutu peasants they were behind in their work." If we had changed the mission to a Chapter 6 to a Chapter 7--a switch that would have sanctioned offensive operations--the UN watched with the rest of the world as an armed majority set out to exterminate the country's minority.

It is too bad that we don't have a representative of the UN here but the fact remains that we may be faced with the possibility of a recurrence of a genocide in the great lakes. And as the article in the post on 28 January states that "3 countries feel Hutu rebels wrath" the problem is a regional one and if the U.N. is still hesitating to get involved then I guess the regional leaders will have to take care of their own geo-strategic problems.

Thank you very much once again for calling this hearing.

CRISIS IN CENTRAL AFRICA

Testimony of Howard Wolpe
Special Envoy for the Great Lakes

House Committee on International Relations
Subcommittees on International Operations
and Human Rights and on Africa

March 5, 1998

Thank you Mr. Chairman and members of the committee. It is good to meet with you this afternoon. I thank you for holding this hearing on this important topic and asking me to testify.

Central Africa is at an historical crossroads. The region has become critically important to the future of Africa as a whole, and to U.S. policy interests. Central Africa is a zone of enormous promise that, if actively nurtured through responsible, committed governments and engaged friends, can bring into the global economy new emergent market democracies that will substantially enlarge the transformation already well underway in southern Africa, and anchor much of Africa's future. Alternatively, if the zone's acute dangers are not brought under effective control, Central Africa could become a broad swath of failure and bloodshed that would imperil Africa's integration into the world economy and prevent the realization of the continent's exciting human and economic potential.

We are committed to intensifying our engagement -- regionally and with individual countries in Central Africa -- to realize a positive vision. Secretary Albright's December 1997 travel to Africa exemplified our commitment to build a new partnership with the peoples of the Great Lakes region -- a partnership based on the recognition of both mutual interests and shared responsibility, and characterized by an open, candid and mutually respectful dialogue.

In the immediate term, our goals in the Great Lakes region are to help: 1) stabilize the Democratic Republic of the Congo, so that democratization and economic development can advance, and the impoverished Congolese people might be given a new sense of hope and possibility; 2) stop the genocidal killings and other communal violence in Rwanda, Eastern Congo, and Burundi; 3) advance increased respect for human rights and humanitarian principles and the development of justice systems capable of ensuring accountability and the end to impunity.

Our Great Lakes agenda -- ambitious, multi-sectoral and complex -- requires us to move ahead simultaneously on multiple fronts. A sober, systematic engagement with the governments and people of the region -- not an uncritical embrace -- is essential to our effectiveness in the Great Lakes. We recognize that many of these governments are imperfect and their national agendas may not always coincide with our own. But if we are to advance our mutual interests and multiple goals, we cannot sit idly on the sidelines.

Democratic Republic of the Congo

As large as the United States east of the Mississippi, with the third largest population in Africa, and bordering on nine countries, the Congo is pivotal to the future of Central and Southern Africa.

U.S. goals are the establishment of a stable, democratic and prosperous Congo, whose government respects the rights of its citizens and is committed to their well-being. Under Mobutu, then Zaire's economic decay and effective state collapse added to instability and retarded economic growth throughout Central Africa. A successful transition from the Mobutu era would contribute to peace and economic growth throughout the region. A failed transition could lead to renewed cross-border conflicts, refugee flows, and humanitarian crises requiring costly international response.

Given these stakes, the United States has pursued a policy of trying to support a successful transition from the Mobutu era. This does not imply endorsement of the actions of the new Government. Rather, our policy reflects the reality that the Congo is in the midst of a complex political and economic transition, that is not going to be completed overnight and has a much reduced chance of success if the Congolese people's friends stand aloof during this critical period.

In our judgment -- as we've stated publicly on numerous occasions -- the record of the Congolese government to date is mixed. Unfortunately, recent developments have been more negative than positive. We are concerned by the detention and harassment of journalists, and by the trial of civilians before military tribunals. Only this week we learned of another sixteen executions in the Democratic Republic of the Congo. Fourteen of those executed were civilians who were condemned to death by a military tribunal and without any semblance of due process. This is unacceptable.

We are deeply concerned, as well, and have condemned, the February 12 detention and subsequent internal exile of prominent opposition leader Etienne Tshisekedi. The Government's move against him, along with its detention of other opposition figures, belies its stated commitment to democratic reform. Secretary Albright telephoned President Kabila February 13 to register the U.S. government's concern about the detention of Tshisekedi, and to underscore that the United States expects to see continued progress in democratic reforms and respect for human rights in the Congo.

We continue to support strongly a broad-based transition that includes significant participation by the civil society and non-governmental political groups. The Rev. Jesse Jackson, the President's Special Envoy for the Promotion of Democracy in Africa, met at length with representatives of these groups during his visit to Kinshasa February 9 - 11, to underscore the U.S. commitment to their full participation in the Congo's political transition. We were disappointed that members of the Government declined to meet with Rev. Jackson. We continue to

believe that the restrictions that the government is placing on political participation, rather than lending greater stability to the transitional process, is having precisely the opposite result of heightening public tensions and insecurities.

Recent developments must be viewed in the broader context of the evolving situation in the Congo. We remain encouraged that the Government announced a two-year timetable of political reforms leading to elections -- a timetable with which the Government is current at this time. The cabinet is relatively broad-based, and includes members drawn from a number of opposition parties. The relationship with the press is again mixed. In general, the media operate with substantial freedom and there are dozens of newspapers circulating in Kinshasa representing a range of political opinions. However, some journalists have been detained or otherwise harassed. Former members of the Mobutu government who had been detained since last summer were recently released from jail, although they remain under house arrest.

After many false starts, the UN human rights investigative team has now deployed to the field and has begun its investigation. Members of the team have been in Mbandaka, in western Congo, since February 6, and an advance party has now deployed to Goma, in the east. While we are pleased by recent signs of improved cooperation on the part of the Government, we will need to continue to monitor the team's progress carefully.

Security conditions have stabilized throughout much of the Congo, but pockets of insecurity persist, particularly in the Kivu provinces bordering Rwanda and Burundi to the east. The GDROC has not been able to remove groups of ex-Far and Interahamwe from North Kivu whose presence exacerbated the conflict in Northwestern Rwanda. Rwandan Patriotic Army (RPA) forces have supported Congolese Government efforts to rout these groups. While Burundi Hutu rebel forces periodically cross into South Kivu, their impact on the security environment has been less severe.

In addition to the cross-border aspects of the insecurity in the Kivus, some indigenous rebel groups also operate in the Kivus. These are mostly small militia forces closely linked to several ethnic groups in the area. Their presence adds further to what is a very volatile mix of arms and ethnic tensions.

In an effort to promote lasting stability, democratic and economic reform, and respect for human rights, Secretary Albright has announced our intention to work closely with Congress to provide an appropriate assistance package for the people of the Democratic Republic of the Congo. We look forward to consultations with Congress on this issue.

Rwanda

Rwanda is continuing to rebuild from the tragic 1994 genocide and subsequent refugee movements. The majority of the 1.3 million refugees who returned to Rwanda in late 1996 and early 1997 have now been successfully reintegrated into their home communities and have resumed normal lives. This feat

should not be undervalued nor understated. As a recent report of the U.S. Committee for Refugee observes, human history offers very little guide for what is being attempted in Rwanda: to have all of a country's people live together, side by side, in the aftermath of a genocide that claimed almost a million lives.

All of us who would offer advice and counsel to the Rwandan government should do so with some sense of humility. These are but a few of the harsh realities of post-genocide Rwanda:

-- half of Rwanda's population has been killed, wounded, uprooted, or returned from long-term exile during the past four years; many Rwandans are living together for the first time since national independence in 1962;

-- up to 120,000 children are orphaned, as many as 85,000 households are headed by children, and at least a quarter of a million children are now unaccompanied minors whose parents were killed or remain in exile;

-- according to a recent survey, eight of ten children have experienced a death in their immediate family during the 1990's; in addition, almost all children saw corpses, one third witnessed rape and sexual assault, and the majority believed they would die in the course of the violence to which they were exposed;

-- thousands of female survivors, including young girls, were raped during the genocide;

-- only 84 males exist per 100 females; in the age 24-29 cohort, only 67 males survive for every 100 females;

-- one of the world's poorest nations prior to 1994, by 1997 Rwanda had become the second least developed country on earth.

Most of Rwanda is now at peace and the economy has rebounded since the 50 percent decline in GDP in 1994. The Rwandan government continues to adhere to the power-sharing arrangements stipulated in the Arusha Peace Accords, and is giving increased attention to broadening political participation at the local level. Northwest Rwanda, however, is still plagued by violence and insecurity. Hate propoganda calling for the extermination of all Tutsis and for retribution against moderate Hutus is again circulating, and Hutu extremists continue to launch genocidal attacks in the region--mostly on "soft" civilian targets such as refugee camps, villages, and passenger buses and taxis. The Rwandan Patriotic Army (RPA) has at times responded to these attacks with excessive and injudicious use of force. As a result, innocent civilians have been killed by both the insurgents and the RPA.

It is difficult to predict when the fighting in the northwest will end. The insurgents have no visible command and control structure and no articulated political platform. The government of Rwanda (GOR) remains confident that it will

eventually quell the insurgency, but admits that it could be a long time coming. We deplore the killings of non-combatants by RPA forces and have communicated the importance of protecting civilian lives to the GOR publicly and privately in no uncertain terms. In recent months, the RPA has shown more restraint and there appears to be a decline in the number of abuses attributable to the RPA. However, this pattern bears close watching.

The Rwandan government recognizes that military abuses only fuel popular support for the insurgents, and has requested assistance in strengthening its system of military justice. A U.S.-trained Rwandan prosecutor was recently instrumental in bringing to justice four Rwandan gendarmes guilty of an ethnically motivated assassination of their commander.

At the end of 1997 there were roughly 120,000 persons being held in Rwanda on genocide-related charges. Throughout 1997 the government released modest numbers of prisoners who lacked prosecutable files or who were elderly or under a certain age. By year's end roughly 3,000 persons had been released. When Secretary Albright visited Rwanda in December 1997, the GOR for the first-time agreed that foreign legal professionals could play an enhanced role in Rwanda in an effort to reduce the staggering prisoner case-load. Responding to this political opening, we sent an assessment team to Rwanda last month to explore how foreign lawyers, jurists, paralegals, etc. might best be used.

We cannot lose sight of the fact that there was mass popular participation in the 1994 genocide. There must be accountability if the cycle of violence and impunity is to be broken. At the same time, it is important not to ascribe "group guilt" to all Hutus. The absence of justice -- both political and socio/economic -- has been a key contributing factor to the crises in Rwanda and the region in general. Without justice, the chances for sustainable peace, economic development, and inclusive governance are bleak. Secretary Albright announced plans for a regional Great Lakes Justice Initiative when she traveled to Africa in December 1997; The Administration's FY 99 budget request included \$30 million for the implementation of the GLJI. The countries currently slated to participate in this program are Democratic Republic of Congo, Rwanda, and Burundi.

Partnership is the hallmark of this initiative. Through the Great Lakes Justice Initiative we will work together with both the people and the governments of the region to build judicial systems which are impartial, credible, effective, and ethnically inclusive. Likely activities include: 1) Training for local lawyers, judges, police, and others essential to the judicial process; 2) Public outreach and education to foster greater societal reconciliation; 3) Support for conflict prevention and alternative dispute resolution.

Justice is just part of the formula for long-term peace and stability in Rwanda. No less important, as the GOR has recently affirmed, is the need to accelerate community development and

to broaden the base of democratic participation, particularly at the local level. The Great Lakes Justice Initiative will therefore be pursued in conjunction with other U.S. efforts to address ongoing political, economic, and security challenges in the region.

BURUNDI

Burundi, one of the most densely populated countries in the world, has experienced periodic cycles of ethnic killings between a Tutsi minority, which dominates the government and military, and a disenfranchised Hutu majority. In the wake of the 1993 assassination of President Ndadaye and the ensuing ethnic violence, the country plunged into a civil war from which it has not yet surfaced.

Our broadest interest in Burundi is the prevention of another round of massive ethnic killings. In a region of Africa which has experienced several horrific rounds of genocide, we emphasize the necessity of investing in preventive diplomacy. A return to unrestrained ethnic violence would lead to further degeneration of an already precarious humanitarian situation, increasing the potential for regionally-debilitating refugee flows and requiring massive humanitarian assistance from the international community.

USG policy objectives in Burundi include ending the violence, encouraging a negotiated settlement, and addressing humanitarian needs. We continue to pressure all sides in the conflict to prevent human rights abuses and to refrain from endangering the lives of non-combatants. Through public statements and private demarches, we consistently condemn human rights violations committed by both the Burundian army and rebel forces.

At every opportunity, we continue to stress to all sides the futility of a military solution to the conflict. In collaboration with the regional states and the international community, we are working for the resumption of inclusive regional talks involving all Burundian parties. These negotiations aim to end the violence and to restore constitutional governance to Burundi.

In addition, within the context of the regionally sanctioned and led Burundi peace process, we encourage progress on complementary peace tracks, with more limited objectives, such as the St. Egidio talks in Rome between the Government of Burundi (GOB) and the main rebel group, and the internal dialogue between the GOB and the National Assembly.

The February 21 summit in Kampala of regional heads of state offered the prospect of renewed negotiations and the suspension of regional economic sanctions if the GOB realizes progress in the following areas: closing forced regroupment camps, suspending ethnic crimes trials until an impartial judicial system is established, and permitting all Burundian political figures to travel abroad to participate in peace talks.

In fact, over the past year the GOB has closed the vast majority of the camps, which had contained 10% of the nation's population. Continuous US diplomatic pressure on the GOB to close the camps undoubtedly impacted the decision to disband the camps and allow the population to return to their homes. We will hold the GOB to its promise to disband all camps this year.

We continue to call for the suspension of all ethnic crimes trials, emphasizing the negative consequences of such emotionally-charged trials being conducted by a judicial system that is perceived as unrepresentative and biased by the largest part of the population. We have underscored with the government the particular importance of halting executions.

The recent release of former President Bagaza from house arrest is an encouraging sign. It is important for the GOB to allow Bagaza, former President Ntibantunganya, and the National Assembly Speaker to travel abroad to participate in regional peace talks.

While the USG continues to support the Arusha regional peace process, we have urged that the sanctions that have been imposed should be calibrated to progress on political negotiations.

COUNCIL ON FOREIGN RELATIONS

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Africa Studies Program

statement of

SALIH BOOKER
 Senior Fellow and Director, Africa Studies Program
 Council on Foreign Relations

March 5, 1997

**Subcommittee on International Operations and Human Rights
 &
 Subcommittee on Africa
 of the
 Committee on International Relations
 U.S. House of Representatives**

an open meeting on

"The Ongoing Crisis in the Great Lakes"

Chairmen Smith and Royce, Ranking Members Lantos and Menendez, and Members of the two Subcommittees holding today's hearing, I thank you for extending an invitation to me to testify before you today on the subject of the ongoing crises in the Great Lakes region of Central Africa.

I would like to note that the Council on Foreign Relations takes no institutional stand on foreign relations issues, and that I am solely responsible for this statement.

Messrs. Chairmen, during the past year, I've twice had the honor of testifying in the Congress on the dramatic and important developments occurring in Central Africa. I have consistently maintained that American interests in Central Africa are similar to our interests elsewhere in the world, namely, the promotion of security, democracy and economic development. I have shared the sense of urgency that I feel regarding the need to act quickly upon new regional opportunities which the initial defeat of the *genocidaires* in Rwanda and the overthrow of Mobutu Sese Seko in Zaire provided for the promotion of these interests in a manner that helps the region turn away from conflict and towards peace. In previous testimony I emphasized America's historical responsibility in the former Zaire, now re-named the Democratic Republic of the Congo (DRC), because of the decades of support that Washington provided the Mobutu dictatorship. I argued then, and will do so again today, that the Congo is

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the key to the entire region and that there are unlikely to be single-country solutions to the conflicts in Burundi, or Rwanda, or Angola for that matter. Regional solutions are needed to end these conflicts and Congo is the key to a lasting regional peace. The enormously rich DRC is also the key to this region's future prosperity. Regarding U.S. policy options toward the countries of the region I testified that the question shouldn't be whether or not to engage, but rather in what manner, toward what objectives, and with what level of resources should we engage? I will not restate the details of all of those arguments today as I'm sure members of your subcommittees are familiar with them.

Messrs. Chairmen, I appreciate the opportunity to briefly review recent developments and trends and to argue for increased U.S. engagement in Central Africa to promote the shared US and African interests of: **security** (an end to the region's cycle of violence, and the protection of people's human rights); **economic development** (the reconstruction of economic infrastructure, the generation of economic activity and growth, and the region's renewed engagement with the world economy), and **democracy** (support for political reform and transitions to elected governments accountable to their citizenry -- necessary to sustain security and to promote economic development in the interests of the region's people).

While we discuss the multiple crises in the Great Lakes region -- particularly in Congo (DRC), Burundi and Rwanda -- we should remain cognizant of the fact that the potential for peace and prosperity in the region is nevertheless greater than ever before. Because the Congo is the key to this potential, the majority of my testimony will focus on the Congo.

Recent Developments

In the Congo (DRC), the government of Laurent Kabila has increased its crackdown on pro-democracy political leaders and forces and continued its exclusion of democratic forces from the political transition process and the national reconstruction effort. President Kabila refused to meet with the U.S. Special Envoy for the Promotion of Democracy in Africa, Rev. Jesse Jackson, and then arrested a number of individuals who did meet with Rev. Jackson. Kabila's government has failed to promote national reconciliation in critical regions such as the Kivu provinces in eastern Congo and has relied exclusively upon the use of force to impose its authority on sections of society agitating around local and national issues such as citizenship, greater autonomy, government accountability, freedom of speech, personal security, and respect for their rights generally. This repressive trend has produced greater insecurity in the DRC, which combined with the real threats posed by a resurgence of the region's "contras" -- a motley mix of forces responsible for the genocide in Rwanda, Mobutu's former army, and other forces -- threatens to undermine the country's potential rebirth. Moreover, increasing unrest among Banyamulenge forces within the DRC's "new" national army, because of their fears of anti-Tutsi sentiment in the army and in the country and their concerns over the issue of nationality, has provoked a concurrent fear among other easterners regarding the intentions of the Banyamulenge and the Rwandan government that is seen as their patron.

In Rwanda, with the repatriation of 1.3 million predominantly Hutu refugees in late 1996- early 1997 it was hoped that security in the country would improve because of the closure of the

camps that were used by the *genocidaires* to mount attacks against Rwanda. Now, however, these forces are operating increasingly from within the northwest of the country. This threat to Rwandan security also undermines the government's efforts to promote national reconciliation, reconstruction and political reform. Such efforts have been criticized as insufficient by human rights organizations and other observers, including Rwandan exiles and people within the country. Yet, in the wake of the genocide that killed up to 1 million Rwandese and uprooted perhaps half the population, Rwandans face an enormous challenge to achieve "reconciliation" and "social reintegration" in an environment of increasing insecurity, fear and ethnic suspicion. The U.S. Committee for Refugees has accurately characterized Rwanda's dilemma as "unique in modern times".

In Burundi, the minority-rule Military Regime of Pierre Buyoya has made some progress toward meeting the conditions of initiating a political negotiation on the country's future with political forces representing the ethnic majority of the population. However, the level of violent conflict remains very high and the country remains under comprehensive sanctions imposed by its neighbors in August 1996. Regional and international efforts to promote peace have still not produced an acceptable framework for political negotiations to restore civilian rule. The regional alliance that imposed the sanctions has become increasingly divided over the issue of which strategies to pursue to promote a political settlement in Burundi and stop the continuing violence between the regime's forces and rebel groups in which civilians constitute the majority of victims.

How should the U.S. be engaged in the Great Lakes region?

U.S. engagement in Central Africa should optimally be designed within the framework a broad international strategy that supports reconstruction, reduces poverty and promotes respect for human rights. Because of the failed policies of the international community in the past which contributed to the impoverishment of the Congolese people and to the spread of conflict in the region, the international community faces a serious credibility gap. This is manifest in widespread criticism and hostility toward U.N. agencies in Central Africa and toward various bilateral donors and many international NGOs as well. Overcoming this legacy will not be easy. But developing a coordinated and coherent strategy among all actors involved offers an opportunity to demonstrate the positive value of international cooperation in Central Africa while addressing serious past failures and helping build a new economic and political environment in the region. U.S. engagement in the region should promote such international cooperation, particularly with regional African states that have serious interests at stake in the effort to achieve an economic and political transformation in Central Africa.

The Objectives of Engagement

The priority objectives of U.S. engagement in Central Africa in general and in the DRC in particular should be:

SECURITY: Help restore security to the region's people by supporting the establishment of national, accountable, and professional armies which will ensure the security of all their people,

and support the establishment of police forces that are similarly professional and accountable. Support the demobilization of soldiers and decommissioning of weapons where national programs call for such efforts. Uphold agreements to prevent and combat the illicit trafficking in arms in the region.

Congo: The U.S. should promote a regional discussion of security cooperation and explore options for international support for retraining police and reorganizing security forces. Because of Kabila's increased repression and exclusion of democratic forces from the transition process, actual U.S. financial or other support must await the establishment of a positive political environment, including the release of political prisoners and promotion of an inclusive process of political transition and economic reconstruction. But the need for security cooperation should not be underestimated, and the subject must not be avoided.

Rwanda: The U.S. should actively consider the provision of security assistance to the government of Rwanda to strengthen the accountability of its armed forces and enhance their capacity to defend the country against the return of genocidal assaults.

Burundi: The U.S. should seek to strengthen the enforcement of an international arms embargo against Burundi, and continue to work for negotiations between the military government and opposition political and guerrilla forces.

RECONSTRUCTION: Help rehabilitate key transportation and communication infrastructure throughout the Congo (and the region), and key health and education infrastructure. Reconstruction aid should be flexible and fast-disbursing. Cooperation in this area should be extensive and partners should focus on large scale projects that can also involve large numbers of the population in their implementation. Efforts to revive and strengthen the independent structures of the three countries' justice systems are equally important to integrate into the process of economic reconstruction.

Congo: The Congress should be prepared to waive existing restrictions on U.S. assistance to the Congo and approve the Administration's (rather meager) request for \$28 million for reconstruction activities in the DRC. The majority of this assistance should initially be programmed through Congolese and international NGO's, but the U.S. should accept the need to provide some assistance directly to agencies of the Congolese government, such as the Ministries of Health and Justice, and provincial and local government structures. The U.S. should balance its support for rebuilding necessary state structures with continued efforts to promote an inclusive political transition. Washington should be prepared to cancel Congo's bilateral debt to the U.S., and offer increased support for reconstruction efforts through the international financial institutions, if the Kabila government responds to the Congolese people's democratic demands for a transition and reconstruction effort based upon inclusion and respect for human rights.

Rwanda: The U.S. should increase assistance for resettlement efforts, housing and other reconstruction efforts, and seek to strengthen government ministries capacity to provide services in the process.

Burundi: Humanitarian assistance should continue to be provided, and the promise of significant development cooperation resources should be considered as an incentive for reaching a political settlement.

DEMOCRATIZATION: Help ensure that the transition to an elected and accountable government in Congo is a successful one. Support the evolution of a transparent and inclusive transition process encompassing the development of a legal framework for governance, an electoral system, and the freedom of association and political activity necessary to ensure the participation of the population.

Congo: The U.S. should provide material and political support for a legitimate transition process. In the short term, however, it appears the diplomatic pressure (including pressure from Congo's neighbors) is required to help President Kabila understand the necessity and desirability of political inclusion and of the transparent development of a legal framework (i.e. Constitution) for the future government and for the elections themselves.

Rwanda: The U.S. should encourage dialogue between the government and civil society and between the minority Tutsi and majority Hutu populations, aimed at supporting national reconciliation and social integration. The U.S. should offer continued development assistance support to strengthen government capacity to provide services and facilitate resettlement and reconstruction efforts.

Burundi: The U.S. should continue – through the work of our Special Envoys – to promote negotiations between the military government and opposing forces.

These objectives must be pursued simultaneously in each country, though the emphasis on each will be different in each country. In the DRC, it is progress toward achieving political reforms to increase government accountability and political, economic and social inclusion which must guide decisionmaking on the level of cooperation with the Kabila government. In Rwanda, it is the promotion of greater security which is needed to improve the environment for further progress toward reconciliation and reconstruction. In Burundi achieving direct negotiations is the priority.

CONCLUSION

Messrs. Chairmen, President Clinton will travel to five African nations at the end of this month. That historic trip will highlight the promise of a new era of U.S. partnerships in Africa to promote Democracy, Economic relations, and conflict resolution. While in Kampala, Uganda, the President will meet with a group of several Heads of State from the countries of Central and Eastern Africa. Their discussions will focus on the interrelated conflicts in Central Africa that this hearing has focused upon. I hope the President will emphasize the importance of achieving a successful transition in the Congo, and solicit the support of the region's leaders in persuading

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President Kabila of the need for him to embrace the democratic forces in his own country to ensure such a transition is successful. It is the key to the region's future prospects.

The United States could and should play a lead role in helping to support such change in Central Africa. We are possibly on the verge of witnessing the development of a new and more coherent continent-wide Africa policy. There is a new Africa policy team in the administration, the Congress has become more active on African affairs again, especially with the African Growth and Opportunity Act, which along with the President's Partnership efforts offers a new vision on the economic front. The African Crisis Response Initiative -- with all its faults -- offers a framework for debating and developing a new security policy. An increasingly clear initiative in the area of supporting democratization in key countries such as the Congo and Nigeria is needed to support our new efforts in the economic and security domains. It is time we recognized the positive importance of Africa, and became committed enough to invest in its future on a level it deserves. Change in the DRC offers an opportunity to help turn the entire Central Africa region from conflict to peace and the pursuit of economic development, we must not waste it.

Thank you.

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**"The Ongoing Crisis in the Great Lakes"
 Testimony of Alison DesForges, Human Rights Watch
 before the Subcommittee on Africa
 and the Subcommittee on International Operations and Human Rights
 Thursday, March 5, 1998**

Thank you, Mr. Chairman, for holding this important hearing and for inviting me to testify. My name is Alison DesForges, consultant to the Africa division of Human Rights Watch and the organization's specialist on Rwanda and Burundi.

In her recent trip to Africa, Secretary of State Madeleine Albright sounded a new optimistic tone about the continent, one that will certainly resound again with the trip of President Clinton later this month. The Congress is considering a new bill to stimulate trade and economic development, another expression of hope for the continent which has seemed for some time better known for catastrophe than for promise.

The likelihood that these hopes can be realized will depend to a great extent on political stability, a stability now threatened more than anywhere else by the precarious situation in the Great Lakes region. Hence the importance of the hearing that you have convened today, Mr. Chairman.

The crisis in the Great Lakes festered over some three decades, the years when thousands of Tutsi and Hutu were massacred on the basis of their ethnic affiliation, when hundreds of persons were assassinated for their political beliefs, when dozens of officials built personal fortunes from funds meant to improve the welfare of the people they governed. During those years, governments outside the region gave first their active support, then their silent complicity to Mobutu in Zaire, their unreserved approval to Habyarimana in Rwanda, their understanding support to Bagaza and Buyoya in Burundi. They appreciated the stability that these leaders appeared to offer.

The horrors prepared beneath that superficial stability exploded in 1993 with the assassination of a free and fairly elected Hutu president in Burundi and the slaying in the weeks after of some thirty thousand people- Hutu and Tutsi, then with the genocide and political killings in Rwanda that cost more than half a million lives, and most recently with the massacres in the Democratic Republic of the Congo (DRC), where nearly two hundred thousand people remain unaccounted for.

BRUSSELS HONG KONG LONDON LOS ANGELES MOSCOW NEW YORK RIO DE JANEIRO WASHINGTON

Many policy-makers had hoped that the return of most Rwandans to their home country and the establishment of a new Democratic Republic of the Congo (DRC) would promote the stability so much needed in the region. But more than a year after the return of the refugees and nearly a year after Laurent Kabila became president of the new DRC, government armies continue to battle insurgents in his country, in Rwanda and in neighboring Burundi as well.

In the DRC, in the eastern provinces of the Kivus, a loose coalition of fighters known as the Mai-Mai reject government control. Last week in south Kivu, the Banyamulonge, the very people who spawned Kabila's own insurrection, took up arms once again, this time against Kabila's newly restructured army. As of yesterday, they were reportedly in control of the important city of Uvira. In Kasai, there are reports of civilians also arming themselves to fight the government.

In Rwanda, insurgents in large numbers carried on a murderous assault on the Mudende refugee camp last December just as thousands of them had laid siege to the major northwestern town of Gisenyi several months before. Since the beginning of the year, they have carried their attacks into the central region of the country, crossing the Nyabarongo river which marks the boundary between the northwestern prefectures of the country and its heartland. At the turn of the year, they attacked the commune of Bulinga. In the weeks after, they slaughtered fifty-two people, sixteen of them children, in the commune of Nyakabanda. Last weekend, between two and four thousand insurgents attacked simultaneously in Bulinga and Nyakabanda communes. They killed twenty persons, including a local government official, and freed eighty detainees in the communal jail. Yesterday they carried out another ambush in Bulinga. The ease with which they can operate in large numbers in the very heart of Rwanda, shows clearly that this movement is based firmly within the country, not dependent on raids launched from across the border.

In Burundi, the gradual success of government troops in putting down rebel forces in the last months of 1997 was upset when insurgents attacked Bujumbura airport in early January and continued small battles in the area in the weeks after.

In all three countries of the Great Lakes, authorities are relying more on force than on discussion to meet these challenges to their power. In Burundi, the army suppressed insurgent activity in much of the country by forcing hundreds of thousands of citizens into "regroupment camps." In the process, they killed, raped and looted widely among the civilian population. In the DRC, in North and South Kivu, soldiers have killed those said to oppose Kabila and have destroyed villages. In Rwanda, government soldiers have used excessive and arbitrary force, killing thousands of unarmed civilians in the course of their operations to catch insurgents.

The insurgents too have attacked civilians. In Rwanda, for example, Hutu rebels, still committed to a genocide of the Tutsi, have targeted survivors of the 1994 genocide and they have increasingly attacked other Hutu who refuse to join their movement. In Burundi, two rival guerrilla movements kill the supporters of the other as well as those willing to help the government forces.

Although these various conflicts supposedly pit insurgents against government armies, it is civilians, not soldiers or rebels, who have died and are dying in the largest numbers. The risks of continued killing are also heightened by the informal combinations that appear to exist on both sides, with insurgents in the three countries cooperating just as soldiers from the three armies support each other. Rwandan soldiers in particular move easily back and forth across the DRC border, responding to threats on one side or the other. In addition to the dangers of transnational conflict, there is also a possibility of international conflict, as was threatened recently between Burundi and Tanzania, host to more than two hundred thousand Burundian refugees, some of whom are accused by Burundi of leading incursions across the border. The availability of arms in the region and the apparent ease with which more can be obtained increases the deadliness of the combats which take place.

In Burundi, the major insurgent force, the CNDD, is linked to an established political party, FRODEBU, which has made it facilitated contacts among the major actors. Although each side regularly denounces the other, they do return intermittently to discussions. This makes the situation appear occasionally more promising in Burundi than in Rwanda, but military activity unfortunately continues as unceasingly as the conversations.

In Rwanda, no one expects the government to negotiate with insurgents bent on genocide, but Vice-President Paul Kagame and his circle have cut their contacts with reputable Hutu and moderate Tutsi leaders who could have helped rally the support they need to fight the insurgency. The government engages in a substantial amount of political activity, through the media, popular meetings and more structured re-education camps, but they have also marginalized or removed from government those leaders seen as representing the Hutu masses they want to win. Tutsi who originally supported the Rwandan Patriotic Front (RPF), both politically and financially, during its war with the former Rwandan government also feel increasingly excluded from any meaningful voice in the political process. Last year, a group of influential Tutsi resident abroad harshly criticized RPF leaders for monopolizing power, for being intellectual bankruptcy, and for "unexplained accumulation" of wealth.

Apparently in response to such criticisms, to much press discussion of official corruption, and to the widening ethnic divisions, leaders of the RPF recently reorganized the party. With vice-president of the republic Paul Kagame as president of the party and the president of the republic, Pasteur Bizimungu as vice-president of the party, RPF authority appears to have merged with governmental authority. This may improve discipline among government officials and party members, one of the stated goals of the change, but it narrows rather than widens the circle of participants in the political process. The removal of Alexis Kanyarengwe as party president, following his ouster last year as minister of interior, puts the seal on this process. The government has also banned the activities of other political parties, which makes it impossible for people to make their voices heard through other party channels.

In the DRC, authorities initially showed some openness to talking with dissidents in the east. The minister of the interior met with local leaders in Bukavu, but after they criticized government policies in the meeting, seven of them were arrested. In the most recent case of the Banyamulenge,

the military commander, James Kabare, is now trying to reach a settlement with the rebellious troops. But in dealing with other opponents who have no arms, Kabila has relied on repression rather than discussion. He has silenced the political opposition, as symbolized by the forced rustication of Etienne Tshisekedi, has threatened, imprisoned and beaten journalists, and has sent civilians to be tried by military courts which have meted out sentences of death by firing squad without any guarantees of due process. When the special U.S. envoy for the promotion of democratization in Africa, the Reverend Jesse Jackson, met with Tshisekedi and others opposed to Kabila, the Congolese president then refused to receive Jackson, asserting that such meetings with opponents breached protocol.

In this complex and rapidly changing crisis in the Great Lakes, the U.S. has an opportunity to exercise a decisive influence. The rebirth of U.S. interest in Africa coincides with a waning of the influence of the European nations that used to play such a large role in the region. The administration must demonstrate firmness and vision to promote the stability that is so much desired, both in order to bring peace to this troubled region and to ensure the best possible opportunity to economic development.

Breaking the cycles of violence is the first step. The U.S. should insist that the governments of the DRC, Rwanda and Burundi give clear orders to their soldiers not to kill civilians and that they enforce these orders. It should naturally deliver the same message to the insurgents. In the case of Burundi, this is feasible because the leaders are recognized. In the cases of Rwanda and the DRC, rebel leaders are not publicly known. But if and when they step forward to speak for their movements, the U.S. must insist that they too order their partisans to spare civilian lives.

Attempting to reduce the loss of life is more than morally and legally correct; it is pragmatic and cost-effective. Unless there are limits to the killing of civilians, there will be massive population movements, with the attendant expense of humanitarian relief. In northwestern Rwanda, the ongoing military conflict has driven some fifty thousand people from their rural land holdings into the city of Gisenyi. The costs of this displacement are more than the immediate expense for food and other supplies; they include also the loss in harvests that these farmers would otherwise have produced in the most productive farming region of the country.

Second, the U.S. must insist on and, where appropriate, assist in full, prompt investigations of alleged grave human rights violations. After an initial strong stand on full investigation of the massacres that accompanied Kabila's rise to power, the U.S. and other donor nations have failed to apply the consistent, firm pressure needed to ensure compliance by the DRC with the investigatory commission created by the U.N. Security Council. They tolerated months of delay during which evidence has disappeared or been destroyed. The investigators have now begun work in Mbandaka, but recent reports are that witnesses who have testified before them have subsequently been arrested, including a pastor, a journalist and a worker for the Red Cross. The U.S. must maintain its initial position, that assistance to the DRC will be considered only if the government permits the investigators to do their work.

The United Nations High Commissioner of Human Rights has set up field offices to monitor human rights in the three countries. The largest and most effective operation is in Rwanda, but, even there, its scope of action is limited, in part by security concerns, in part by lack of resources and staff. In Burundi, the skeletal staff has often been unable to do on-site investigations because of the insecure conditions. In the DRC, the staff is even fewer in number and is only beginning to function. The U.S. should support all three field operations, financially and politically.

Third, the U.S. must insist that violators of international humanitarian law be brought to justice and be appropriately punished for their crimes.

Of the three governments, that of Rwanda has taken the strongest stand on holding its soldiers accountable for grave human rights abuses. Of the some seven hundred soldiers in custody, a number have been charged with such crimes. Until recently, prosecutions have produced disappointing results. Two important trials of soldiers accused of excessive killings in the course of military operations resulted in convictions but for minimal charges and with correspondingly light punishments. In January, however, the Rwandan military courts tried a major and a corporal for having killed some thirty civilians during the period of the genocide, and found both guilty. The major was sentenced to life in prison, with the corporal receiving a lesser sentence. The seriousness of the prosecution and of the sentence delivered seem to represent an effort to actually enforce international humanitarian law.

The Great Lakes justice initiative announced by Secretary Albright should allow for significant assistance to military as well as civilian courts, allowing for the establishment of accountability before the law for all accused of human rights abuses.

The U.S. must also support a form of justice beyond national courts for soldiers accused of grave human rights violations in Burundi and the DRC, for important soldiers who might remain unprosecuted in Rwanda, and for rebels who would otherwise not be called to account for their conduct.

Already a consistent and generous supporter of the International Criminal Tribunal for Rwanda, the U.S. should continue its backing and, at the same time, campaign to broaden the mandate of the court, both in time and in geographical scope. The Tribunal should be charged with investigating and prosecuting acts of genocide and crimes against humanity throughout the Great Lakes region and without a finite limit in time. In practical terms, the Tribunal staff is developing the expertise and accumulating the data which would make it the reasonable institution to prosecute such offenses.

In establishing the commission to investigate violations of international humanitarian law in Zaire/DRC, the U.N. Security Council left unresolved the essential issue of prosecution of those against whom the commission might assemble evidence of wrongdoing. The U.S. should press immediately to have the mandate of the Tribunal expanded so that it could prosecute cases of major violations documented by the investigatory commission

Fourth, the U.S. should deal honestly and openly with information about grave human rights violations in this area. Secretary of State Madeleine Albright's recent trip to Africa represented an important commitment by the administration to devote more attention to developments on that continent, but her reluctance to deal publicly with the shortcomings of various African governments in the area of human rights reduced considerably the impact that her visit might have had. In contrast, by meeting with leaders of civil society and politicians opposed to the government, the Reverend Jesse Jackson, demonstrated that he, as Special Envoy for Democratization, valued the constructive role that such autonomous actors could and should play in a society.

Policy-makers, like other observers of this region, must always bear in mind the complex and tragic context in which current governments operate. They must recognize, as did Secretary Albright, the extent to which the failings of the international community contributed to the present situation. But they must not use failings of the past—whether of previous heads of government or of the international community—to cover the abuses of the present.

Holding true to the fundamental human rights that have shaped our own past is important to retaining respect—our own respect, as well as that of others. But it is also the only effective way to encourage and support actors within these three countries who value these rights and wish to see them implemented by their governments. Whether within the ranks of officials or among the actors of civil society, these moderates do exist, and they must hear a firm voice speaking out for these values abroad. As our research on the Rwandan genocide has shown, moderates have limits to what they will dare; without hope of an external echo, their protests will be stifled.

Fifth, the U.S. must give aid responsibly, adopting calibrated benchmarks for bilateral assistance. It must ensure that its support, so much desired in this region, is used to promote improvements in human rights, the rule of law, and progress towards establishing democratic principles.



**U.S. COMMITTEE
FOR REFUGEES**

**Testimony of
ROGER WINTER
Director**

U.S. COMMITTEE FOR REFUGEES

on

THE ONGOING CRISIS IN THE GREAT LAKES

before the

**SUBCOMMITTEE ON INTERNATIONAL OPERATIONS AND HUMAN RIGHTS
HOUSE COMMITTEE ON INTERNATIONAL RELATIONS**

MARCH 5, 1998

Background of USCR

I am Roger Winter, director of the U.S. Committee for Refugees. Thank you for conducting this hearing on "The Ongoing Crisis in the Great Lakes," and for inviting me to testify.

The U.S. Committee for Refugees (USCR) is a nonprofit, nongovernmental organization that regularly monitors and assesses the plight of refugees and displaced people around the world, and their efforts to reintegrate or resettle when conditions permit. USCR has conducted regular site visits to Central Africa during the past 15 years to document conditions, analyze the political environment, and offer informed policy recommendations. USCR staff have undertaken at least 15 assessment trips to Rwanda and neighboring countries during the past three-and-a-half years, resulting in some 40 reports, action alerts, briefings, editorials, and public information advisories since 1994 in an effort to ensure that policy makers, the press, and the American public properly understand and respond to events in this conflicted region of Africa.

Most recently, USCR has conducted two site visits to Rwanda since late 1997, including my own assessment visit last November. USCR published a comprehensive report last week on the situation in Rwanda entitled, *Life After Death: Suspicion and Reintegration in Post Genocide Rwanda*. We have distributed copies of that report to Subcommittee members and their staffs. We can supply additional copies if you wish.

Proper International Perspective About Rwanda

My testimony today focuses on Rwanda, where events remain vitally important to the future of the Great Lakes region.

The situation in Rwanda has always been—and remains—much more complex than commonly perceived. I am concerned that this Subcommittee and the entire Congress need to understand the dynamics in Rwanda, because a faulty understanding on our part could have dire consequences for the Rwandan people and Africa's Great Lakes region.

The international community tends to oversimplify Rwanda. Many foreign observers overestimated how quickly Rwandans could "reconcile" after the genocide and refugee repatriation, and more recent conventional wisdom incorrectly threatens to dismiss Rwanda as a "lost cause."

Both characterizations are wrong.

Rwanda is an incredibly traumatized society going through a difficult transition. Real genocide—only the second clear genocide in the world this century—occurred less than four years ago. It was perhaps 80 percent effective in eliminating the population targeted. The international community effectively stood by while the genocide happened. No one yet has been convicted, much less punished, as a result of international legal procedures. Yet the huge majority of the Rwandan population is not now engaged in—nor is it being directly victimized by—violence. The bulk of the country is tense but peaceful, despite our distorted perspective of the situation as foreigners.

There are many things wrong in Rwandan society, and numerous criticisms to make about the Rwandan government and its security forces. My organization leveled criticism in our recent report. But all of us here must also comprehend that Rwanda's leaders are *not* the same as the regime that murdered up to a million people. If it were, genocide would be in full swing today.

We Americans persist in ethnically categorizing everything in Central Africa. In our categorizing fashion, we persistently refer to the "Tutsi-led government and army" in Rwanda. In one sense, that is accurate. But it is also a fact that a majority of the current Cabinet and at least two-thirds of the national legislature are not Tutsi. They are Hutu. Eight political parties hold seats in the National Assembly. In addition, several thousand Hutu men and officers have been inducted into the Rwandan security forces, including at senior levels. The Rwandan military has placed hundreds of its own personnel in detention and has conducted military justice proceedings against numerous soldiers accused of unnecessary violence, including the killing of civilians. More prosecutions are necessary, with fuller public disclosure of proceedings.

In my view, the Rwandan government ranks somewhere in the middle on the human rights spectrum. The current government is far better than the repugnant regime that preceded it, but it has not attained all the standards that we in the human rights community—and I believe many in the Rwandan government itself—would like to attain.

The people of post-genocide Rwanda are engaged in one of the most complicated social phenomena in human history. They have not yet succeeded, but they certainly have not yet failed. Rwandans' efforts to live together again deserve the fullest and wisest support the world community can provide.

The world has watched Rwandans die in extraordinary numbers over the years. Now is the special moment to help Rwandans find a life after death worth living.

Key Points

Permit me to identify a range of issues confronting Rwanda today. If Congress and the Administration want to make a constructive contribution to Rwanda's future, there are several key points to keep in mind.

- **Post Genocide** Rwanda is a post-genocide society. The psychology of the country's nearly 8 million people is complex. Members of both ethnic groups believe they have been victimized. Rwandans are still sorting out how they will live with each other.
- **Extreme Flux** Rwandan society is in a state of extreme flux. About half of the population has been killed, wounded, uprooted, or returned from long-term exile during the past four years. For the first time in nearly 40 years, the overwhelming majority of Rwandan refugees, Hutu and Tutsi, have repatriated. Many Rwandans are living together for the first time since national independence in 1962.
- **Stifled Dialogue** Rwandan society has not yet found a constructive way to discuss ethnic tensions. Government efforts to pretend that ethnic differences do not exist are perhaps well-intentioned but lack credibility among the country's people and tend to stifle useful dialogue.

- **Government Credibility** Opinions about the Rwandan government vary enormously among Rwandans and international observers. Some regard the government as serious-minded and fair. Others view it as a regime determined to impose minority Tutsi control. These opposing views strongly color interpretations of events.

- **Security Issues** The majority of Rwanda appears calm and relatively secure at this time. Sustained insecurity is largely confined to the northwest corner of the country, where genocidaires continue an insurgency in their home area. I visited that area extensively in November. Isolated violent incidents occur in other pockets of the west as well.

Insurgent attacks and counterinsurgency tactics by the Rwandan Patriotic Army (RPA) have reportedly left thousands dead in the northwest. Pockets of population displacement have occurred, sometimes lasting several days, sometimes lasting indefinitely. Violence in the northwest is not continual or pervasive, however. Farming, markets, and other activities of daily life continue at many locations.

- **Insurgent Support** The level of popular support in northwest Rwanda for the insurgency is uncertain. Civilians who provide insurgents with food, lodging, and other help may do so willingly, or because combatants coerce their cooperation. Insurgents' extended family members live in the northwest.

- **Hate Propaganda** Hate propaganda has begun to circulate again in northwest Rwanda, spreading fear. Propaganda tracts distributed by genocidaires vow revenge against Tutsi and retribution against Hutu moderates. USCR procured English translations of several propaganda tracts.

- **Insurgency Poisons Attitudes** The insurgency by genocidaires is geographically limited but exerts a powerful effect on Rwandans throughout the country by aggravating ethnic suspicion. The violent deaths of Tutsi and Hutu in the northwest fuel the worst fears of both ethnic groups nationwide at a time when Rwandan society is trying to make a new start. Many Tutsi view the insurgency as proof that the campaign of genocide continues against them. Many Hutu, especially former refugees, fear that they might be victimized by revenge killings, detention, or other abuses now that they are home.

- **Policy Traps** Some policies and tactics of the Rwandan government that are meant to reduce tensions in the long-term risk aggravating social tensions in the short-term.

Government military efforts to defeat the genocidaire insurgency have produced excesses that have killed civilians in the northwest. Poor implementation of a government program to "reeducate" former Hutu refugees about the principles of ethnic unity has effectively blocked many educated Hutu from jobs. Tentative plans to change land ownership laws in order to make land use more efficient can be expected to provoke controversy among Rwanda's overwhelmingly agricultural population.

- **Social Problems** The reintegration of 1.3 million returnees who repatriated in late 1996 and 1997 has proceeded well in some respects but has brought other social problems to the surface, such as the country's shortage of housing and agricultural land, competition for jobs and school placements, security concerns, and suspicion among neighbors.

- **Economic Struggle** Rwanda's economic conditions are difficult, despite overall economic growth. Food prices in some areas doubled in late 1997. Families in some regions have lost more than half their purchasing power compared to the start of the decade. Economic life for many Hutu and Tutsi returnees is more difficult in Rwanda than it was in asylum.

- **Vulnerable Groups** Rwanda's population includes large numbers of vulnerable people. One-third of all households are headed by women. Some 80,000 households are headed by children. A quarter-million or more children are unaccompanied minors. Tens of thousands of genocide survivors, predominantly women and minors, need special assistance.
- **Aid Agencies** Relations between the Rwandan government and international humanitarian organizations are strained. Government officials monitor aid organizations closely. Many aid agencies lack full confidence in the government's agenda.
- **Housing Shortage** Rwandans have constructed or rehabilitated more than 100,000 homes with international assistance. Rwandan government officials estimate that 400,000 homes—about one-fourth of the country's housing stock—need construction or repair to accommodate returned Hutu and Tutsi refugees and genocide survivors.
- **Villagization** A "villagization" plan proposed by the Rwandan government could become a massive attempt at social engineering. The ambitious plan, if implemented, would group Rwanda's overwhelmingly rural population into new or existing villages. Proponents contend the plan would improve land use, facilitate delivery of social services, and foster improved ethnic integration and security. Critics argue the plan is overly ambitious, poorly planned, and is liable to produce forced relocations and new social tensions. The government's commitment to "villagization" remains unclear.
- **Local Participation** The axiom that aid programs work best when they include local participation is particularly important in Rwanda, where residents of both ethnic groups need to feel personally invested in rebuilding the country together.

Recommendations

1 • Rwandan authorities should deal more openly with ethnic issues.

The government has sought to downplay ethnic divisions in its public pronouncements, by removing ethnic references from identity cards, and by eschewing discussions of ethnic quotas. These laudable steps should continue.

However, by seeking to eliminate virtually all public discussion of ethnic divisions, the government damages its own domestic credibility by denying the reality of ethnic tensions that every Rwandan knows to exist. By making mention of ethnicity "politically incorrect," the government inadvertently impedes constructive national dialogue on an issue that has cost extraordinary death and suffering under previous governments during the past 40 years.

Authorities should seek opportunities to acknowledge the existence of sensitive ethnic problems in an open and constructive manner. The government can more effectively defuse the ethnicity issue by helping society discuss it, rather than by denying its existence.

2 • The international community should make more resources and better expertise available to Rwandans to facilitate individual counseling and national social dialogue.

Rwandans have been through a national nightmare that almost defies comprehension. There is a post-genocide society that has also experienced civil war, massive refugee displacement, a ruthless insurgency, and economic ruin so extensive that it is now one of the two least developed countries in the world.

Rwandans' trauma on a personal and societal level is enormous. A special kind of assistance is needed from the international community—assistance that addresses the people's psychological needs as well as their material needs. The international community should provide specialized training and financial support to increase the skills and number of Rwandan social workers who are capable of offering the one-on-one and group counseling that so many Rwandans desperately need.

Rwandan society has to rediscover how to talk with itself. The international community should help Rwanda establish a "post-genocide reconciliation foundation," perhaps patterned after the Holocaust Memorial Council Research Institute in the United States, to help individuals and Rwandan society as a whole discover innovative ways to overcome their recent history.

USCR respectfully encourages the Holocaust Research Institute and other qualified institutions to participate in such an undertaking.

3 • The international community should be prepared to accept a degree of voluntary social segregation in some areas of Rwanda.

Rwanda was an ethnically integrated society before 1994, and largely remains so today. Daily interaction is usually the best way to dissolve mistrust and build cohesion.

Rwandan authorities and international aid should seek to nurture integration in housing, employment, schools, markets, and other facets of daily life. Laws and public policy should be scrupulously neutral in regard to ethnicity.

Some Rwandans, however, may be psychologically unprepared to return so quickly to previous living arrangements. The genocide or other traumatic events might have rendered some Rwandans psychologically incapable of living among neighbors of different ethnicity at this time. Pockets of Butare prefecture in the south, for example, contain a disproportionate Tutsi population; many communes in northwest Rwanda contain an overwhelmingly Hutu population.

Sometimes groups within a larger society are, sadly, not ready to live together again. Unlike victims in other parts of the world, Rwandans do not have the option of national partition or wholesale resettlement in a newly created state. A limited amount of voluntary social segregation inside Rwanda is a predictable response to Rwanda's recent history.

4 • The Rwandan government should increase ethnic integration in the Rwandan Patriotic Army.

The government's Rwandan Patriotic Army (RPA) is overwhelmingly Tutsi but is believed to contain several thousand Hutu soldiers and officers. The government should continue to increase integration in the RPA. The 1993 Arusha peace accord provided that the national army should contain nearly equal numbers of both ethnic groups. The government should maintain this

goal.

Violence in neighboring Burundi in recent years has demonstrated the ability of a poorly integrated military to subvert democratic principles. Rwanda should not repeat the mistake.

5 • The Rwandan government should aggressively prosecute abuses by government soldiers, particularly in the northwest.

More than 1,000 troops are in detention for alleged crimes, according to government officials. That is a useful first step, but more should be done. The government should press ahead with investigations and prosecutions to demonstrate that abuses by soldiers will not be tolerated, even during security operations in the northwest. Results of investigations and punishments meted out by military courts should be made public.

6 • International donors should continue to provide aid to Rwanda that is flexibly tailored to the needs of different areas.

Rwanda's needs are diverse, despite its small size. Aid for reintegration and long-term development should be flexible—different communes require different aid packages. Some areas have housing shortages, other areas have adequate housing but lack water systems or need agricultural assistance.

Donors should not allow violence in the northwest to curtail aid programs in other parts of the country. Much of Rwanda is safe and accessible, and aid projects should continue or expand. Development organizations should devote particular attention to Kibungo prefecture, a heavy resettlement area in southeast Rwanda with a diverse population of ethnically mixed returnees. The prefecture is extremely underdeveloped.

Aid donors should continue providing assistance to the northwest, despite insecurity there. A handful of humanitarian organizations have managed to maintain useful aid programs in the northwest, proving that operations there are possible despite serious difficulties. The dearth of assistance to the northwest has left many residents there feeling abandoned.

Donors should provide more resources to improve the government's administrative capacity. Donor policies until now have short-changed the government by channeling monies primarily to private agencies, leaving most government ministries with a weakened ability to function.

Funding for qualified indigenous organizations, particularly women's groups, should remain a priority throughout the country.

7 • Rwandan authorities should redouble efforts to return property to rightful owners.

Rwandan law clearly entitles landowners to regain possession of their land, and government officials have taken measures to implement the rule. Yet many Hutu landowners and business proprietors reportedly remain afraid to reclaim their properties. Government officials should ensure that private intimidation is not being used to circumvent public laws pertaining to

ownership.

8 • Rwandan officials should ensure that landowners are not moved from their land involuntarily.

There is no proof that forcible relocations have occurred, but the potential exists as the government pursues ambitious housing and land policies. National authorities should take steps to ensure that local officials understand and abide by the government's stated policy that landowners will not be forced to move into new villages involuntarily.

If the government pursues villagization, it should rely on voluntary relocations.

9 • Authorities should conduct thorough assessments of resettlement sites to ensure that chosen sites can adequately support new populations.

Large numbers of returnees to Rwanda, many lacking their own property, are settling into designated resettlement sites, particularly in the eastern half of the country. Some sites are poorly planned and may not be viable, potentially leading to new hardships, population migrations, and wasted aid dollars.

Authorities should work with UN technicians to monitor the success or failure of newly built housing sites and to conduct sophisticated analyses of proposed housing projects.

10 • Rwandan officials should restructure reeducation camps to make them more effective and less divisive.

Reeducation seminars sponsored by the government are a potentially useful method to facilitate ethnic unity and counteract extremist propaganda. The reeducation program conducted during 1997, however, appeared to be poorly organized and created resentment among many Hutu.

The government should ensure that participation in reeducation camps is not a litmus test for employment of Hutu. If authorities choose to make reeducation camps a prerequisite for employment, the government should make reeducation programs more widely available.

The government should improve the quality of its reeducation program by providing skilled moderators. The government should consider restructuring its reeducation program so that sessions target Hutu and Tutsi employees on an ongoing basis in their work places, rather than prior to employment.

11 • UNHCR and the UN human rights program should establish a stronger ongoing presence in northwest Rwanda.

During most of 1997, UNHCR maintained a small professional staff in Gisenyi with limited mobility. The UN Human Rights Field Operation in Rwanda stationed no staff in the northwest and conducted short, infrequent assessment visits that were incapable of in-depth reporting about human rights conditions.

Legitimate expatriate security concerns exist in parts of Rwanda, as killings of expatriates in early 1997 made tragically clear. Nonetheless, UNHCR and the UN human rights program should seek to bolster their ongoing presence in the northwest and should attempt to conduct assessment trips more frequently into rural northwest areas, using military escorts for safety if necessary.

Although military escorts are cumbersome and their presence often hampers human rights documentation and protection work, more assessment trips are worth undertaking to inform the international community about events in the northwest. The world community and Rwandans themselves need help in sorting out facts from rumors in an area rife with disinformation.

The government has challenged international human rights workers to conduct first-hand documentation trips in the area—the challenge should be accepted.

12 • International aid organizations should assign only their most mature and experienced expatriate staff to work in Rwanda.

Rwanda is an extremely difficult social environment in which to work. The culturally ingrained reticence of many Rwandans, coupled with the trauma and suspicion that linger from the tragic events of recent years, require a high degree of stability and maturity on the part of expatriates working in the country.

Aid organizations should ensure that expatriate staff receive a full orientation prior to assignment, and a full debriefing and counseling, if necessary, at termination of assignment. Working in Rwanda is not "business as usual."

13 • International organizations should ensure that local staffs are ethnically mixed.

International organizations are in a difficult bind: they do not wish to know or place importance on the ethnicity of their local staff members, yet it is important to ensure that staffs are ethnically mixed.

To compound the difficulty, some aid organizations employ predominantly Tutsi staff because Tutsi were often the primary available job candidates during 1995-96, when large numbers of Hutu professionals were outside the country.

A stringent quota system is inappropriate. But aid agencies should take steps to ensure that their staff composition, and their work in general, are fair and balanced in fact as well as in appearance.

14 • Rwanda's neighboring countries should honor basic humanitarian norms.

Tanzania has expelled Rwandan Tutsi who lived in Tanzania for 30 years. Congo/Zaire in recent months has summarily expelled Rwandan Hutu asylum seekers with no attempt to determine the legitimacy of their refugee claims.

Rwanda's neighbors are understandably concerned that problems in Rwanda could again spill across their borders, but this should not lead countries to ignore international humanitarian standards. Tanzania should allow settled Tutsi families to remain. Congo/Zaire should attempt to screen asylum seekers.

Stability in Rwanda requires regional cooperation and may ultimately require a regional political solution. Rwanda's neighbors cannot expect to ignore Rwanda's social pressures by closing their doors.

15 • Rwandan authorities should ensure that all Congolese refugees are moved out of northwest Rwanda.

Two attacks by genocidaire insurgents on Mudende refugee camp, north of Gisenyi town, have killed at least 300 Tutsi Congolese refugees. Some reports suggest that more than 1,000 died in the attacks. Rwandan officials belatedly allowed the refugees to move to safer areas in northeast Rwanda. The government should also relocate some 13,000 Congolese Tutsi refugees living at another potentially dangerous western camp, near Kibuye, as UNHCR requested in early 1998.

Authorities should ensure that the refugee population is properly protected at any location.

* * *

Mr. Chairman, thank you for the opportunity to testify today. I would like to point out that an appendix to my testimony is attached, which discusses the proposed U.S. Justice Initiative for the Great Lakes. I ask that the appendix be made a part of the official record of this hearing, along with this testimony.



**U.S. COMMITTEE
FOR REFUGEES**

Appendix to Testimony
March 5, 1998

U.S. Government's Proposed Justice Initiative Relating to Rwanda: Ideas Suggested by U.S. Committee for Refugees

Secretary of State Madeleine Albright has announced that the U.S. government will undertake a Great Lakes Justice Initiative in Central Africa. Following are several insights for consideration in the formulation of concrete programs for the Justice Initiative in Rwanda.

Many of these issues are examined in more detail in the report, *Life After Death: Suspicion and Reintegration in Post-Genocide Rwanda*, published last week by the U.S. Committee for Refugees.

1. *Real Justice vs. Perceived Justice*

The two are not the same. Both are important and need attention.

The U.S. government (USG) should continue to push for "real justice" in Rwanda, including fair trials, proper arrest procedures, and an independent judiciary.

Achieving "real justice," however, will not necessarily change the perceptions of injustice prevalent among many Rwandans. The idea of "impartial justice" is a difficult notion to many Rwandans who instinctively assume that even fair trials are actions of revenge. Among many Rwandans, "justice delayed" has become "suspect justice"—convictions handed down four years after the crime have given many Rwandans the wrong impression that punishment is politically motivated rather than a direct reaction to the now-distant crime.

<Programmatic Step> Trials and convictions should continue. USG should continue to help strengthen Rwanda's domestic justice system and improve its capacity. But that alone is not enough. Efforts that focus exclusively on perfecting the legal system would still fail to address perceptions among many Hutu that the system is unjust because of who controls it. USG should learn how many current judges and prosecutors are Hutu, and endeavor to support programs that would increase ethnic diversity in the judicial system.

2. *Traditional Justice Systems*

This is a potentially enticing option, drawing upon Rwandans' traditional cultural methods of dispute resolution. Rwandan Vice-President Kagame recently seemed to speak approvingly of this approach. It could potentially alleviate the backlog within the official justice system.

<Programmatic Step> Answers to key questions are needed before putting resources into this, however. What is the status and authenticity of "traditional justice systems" after the dramatic

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societal changes of recent years? Do these traditional procedures maintain integrity in the eyes of the population? Is the Rwandan government serious about utilizing local justice councils?

3. *Community Service Work*

This has a long history in Rwanda. The previous Habyarimana government routinely called on peasant work groups to devote entire days to clearing public land, maintaining roads, etc. People recognize this as a legitimate government demand on their time. Rwandan officials have indicated that community service work is to be a prime "punishment" for persons convicted of marginal involvement in the genocide.

<Programmatic Step> Perhaps a program could enable prisoners to do community service work proactively, prior to completion of their trial or in lieu of trial. Community service programs for non-prisoners, if administered with sensitivity, could become a useful tool on the long road to "reconciliation." If administered poorly, such programs could aggravate local animosity toward the government and against Tutsi in general.

4. *More Prison Space*

This is not a new issue, but it remains worth addressing. A well-run prison system should exemplify justice, not sabotage it.

Discussion of the "prison" issue in Rwanda too often has lacked clarity. The large number of prisoners, 120,000, is one issue; the Rwandan government has begun to take tentative steps to reduce the number somewhat. The so-called "arbitrary" nature of many prisoners' detention is a second problem that should be addressed through better legal procedures, improved training, and local political will to curb the problem.

The inhumane overcrowding of prisons is a third issue—it can be resolved with proper resources. Prison conditions are a flash point for everyone. No matter how guilty many prisoners might be, prison conditions fuel perceptions of injustice on the ground and among the international community. Rural prisons ("cachots") are magnets for insurgents' attacks. Note, for example, the December 1997 report by U.S. Ambassador David Scheffer examining the links between a nearby local prison and the attack and massacre at Mudende refugee camp. Families of prisoners understandably regard the awful prison conditions as persecution of loved ones rather than as a component of justice.

Dealing with prison issues is unpleasant for donors and NGOs. But allowing the situation to continue only serves to antagonize sentiments in Rwanda, inflame international debate, create new targets of opportunities for genocidaire insurgents and propagandists, and is unacceptable for the prison population.

<Programmatic Step> Create new prisons or expand existing ones. Consolidate prisons to protect them from attack. Remove cachot prisons from isolated areas. Prison relocations would necessitate additional aid to feed prisoners, since many prisoners currently rely on their families for food.

5. *Prosecution of Abuses by Rwandan Soldiers*

All the facts on this issue are not available—which is exactly the point. There is some indication that the Rwandan government might be punishing more soldiers for abuses than commonly realized, but the government may be meting out far less punishment than is needed.

It is politically difficult for the Rwandan government to prosecute its own troops while genocidaire go unpunished, but it must be done. More aggressive prosecutions—and fuller

disclosure of those prosecutions—would give the Rwandan government more credibility with its local constituency and with the international community. Aggressive prosecutions might also curb abuses.

<Programmatic Step> There does not appear to be a resource deficiency preventing the Rwandan government from prosecuting and punishing more troops. USG should place priority on offering private and public encouragement when Rwandan officials conduct prosecutions. Use military-to-military contacts to encourage more such actions. Reinforce notion that transparent prosecutions serve to strengthen USG's aid commitment, rather than scare USG support away.

6. *Housing/Land Disputes*

Many Rwandans believe that the heart of a justice system is the protection of property rights. The official system for handling disputes over land and housing has functioned reasonably well, though imperfectly.

However, neither Rwandan authorities nor the U.S. government should be fooled: many housing disputes remain invisible because many Hutu owners are afraid to assert their ownership claims formally. Therefore a situation exists in which the legal code correctly favors Hutu landowners and the arbitration process seems reasonably fair, yet many Hutu regard themselves as victims of terrible injustice because social tensions have intimidated them into acquiescing to the private confiscation of their property.

<Programmatic Step> USG should rigorously assess the official land/housing arbitration system. Survey local attitudes about the efficacy and fairness of the dispute resolution system. Seek to make Rwandan officials more proactive in identifying and settling the "invisible" disputes which are otherwise building dangerous resentment among many Hutu residents.

7. *Reeducation Program*

This matter is discussed in the attached testimony, as well as in the full report, *Life After Death*, by the U.S. Committee for Refugees. "Reeducation" that adroitly instills ethnic unity and trust in the population is a potentially useful idea in modern-day Rwanda. Rwandan officials, however, have often implemented the idea in a counterproductive manner.

<Programmatic Step> Rwandans desperately need channels to discuss their social tensions. Therefore it might be unfortunate to eliminate the reeducation program altogether. A revised reeducation program (under a different name) could provide an avenue for constructive discussions, especially if the program includes participation by both ethnic groups and allows for ongoing discussions. These discussions could be adapted to the workplace, for instance.

8. *Employment / Schools*

This is not a "justice" issue per se, but individual perceptions of justice typically boil down to jobs and education. If government policies or economic conditions impede employment of Hutu or stifle their academic advancement, Hutu elite become understandably alienated and feel discriminated against on a personal level.

Arguably the most important sector of Rwandan society for future national stability is the Hutu educated class. They are the opinion leaders. They need to be given a stake in the "new Rwanda." First and foremost, that means jobs and schools. Long after the insurgents are defeated (assuming they eventually are), it is the elite Hutu middle class whose attitudes will determine the level of resentment or cohesion in the future Rwanda.

<Programmatic Step> Economic growth. Small business loans targeted to Hutu areas. Massive education support, including "post-genocide curriculum" that enhances unity rather than divisiveness. Expand resources at secondary and university levels to prevent Hutu from encountering a "glass ceiling" in educational sector. Rwandan officials claim that employment and schools already are "ethnically blind." Few average Rwandans seem to believe it.

9. *Arms Control / UNICOI*

Justice will be perceived as politicized in Rwanda as long as there is an insurgency that aggravates social tensions and provokes atrocities by the Rwandan Patriotic Army (RPA). International assistance for "justice" inside Rwanda is not credible unless the international community fulfills its responsibility on matters beyond the reach of Rwanda's domestic laws. This means, for example, redoubling efforts to enforce the arms embargo against the genocidaires.

<Programmatic Step> U.S. officials should push for reactivation of the UN arms monitoring program, known as UNICOI. Ensure it has expert staffing, equipment, mandate, and resources to monitor effectively.

10. *International Tribunal in Arusha*

U.S. policy makers are already well aware of the need to make the International Tribunal function better. It must be emphasized, however, that a Great Lakes Justice Initiative by USG cannot pass the "laugh test" if the International Tribunal—the core responsibility of the international community—continues to limp along ineffectively.

The one great unknown after all the events of the past four years is whether convictions by the Tribunal might transform the psychological dynamics in Rwanda. Convictions would represent the first tangible proof to many average Rwandans that the international community—not just the Rwandan government—believes the genocidaires are disreputable and must be punished. Imagine this: four years after the genocide, average Rwandans still have not seen concrete evidence of that international sentiment.

It is one of many reasons Rwandan society is so psychologically impaired.

End



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**The Ongoing Crisis in the Great Lakes:
Breaking the Cycle of Violence**

**Testimony before House International Relations Committee
Africa Subcommittee**

by
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March 5, 1998

¹ The author would like to express his gratitude to Brandi Steers, Jason Kudca, Erin Tobin and Jin Russell

without whom this paper would not have been prepared. Amnesty International is 100% transparent, independent, non-partisan and working tirelessly for the release of all prisoners of conscience, fair and prompt trials for political prisoners and an end to torture and executions. It is funded by donations from its members and supporters throughout the world.

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First, the human rights situation in these three countries are at the core of one of the world's most pressing crises I say the world's because it is neither just a Central African crisis nor just an African crisis. The situation in the Great Lakes directly challenges and undermines universal standards of fundamental human rights and destroys the structures and norms we ourselves have created to protect us from our worst behavior. Put more bluntly, the standard of acceptable behavior between people in the region has been weakened if not erased, and if it is not checked it can and will spread by simple force of example.

The Great Lakes crisis is global one in that we have learned that while the occurrence of a genocide may be situated in a specific region, its impact is anything but specific: the Rwandan genocide led to massive refugee flows to Tanzania, Burundi and the former Zaire and the displacement of millions of people. In turn this destabilization led to countless massacres which have yet to be fully investigated, the disruption of food production and an unprecedented humanitarian relief effort which has involved countries fall over the world.

Second, the President's upcoming historical trip to the continent will present a critical opportunity to focus much needed attention on the continent, and on the Great Lakes crisis in particular, even if the President does not visit the region.

Third, Amnesty International is concerned that the situation in the region is not improving, rather it seems to be sliding in the wrong direction. Perhaps the current situation may not amount to genocide, and the experts may not agree that another one is about to erupt as we sit here, however this is not the point. The key issue at the heart of these discussions is the continued volatility of the situation, the numbing magnitude of the steady loss of life, and the plight of the displaced people throughout the region. As we sit here and debate the next impending explosion of violence which will register on the radar screens of the world, we must ask ourselves the question: are we not repeating our failure to respond as we did in 1994?

In 1994 there were several hearings on the crisis and numerous reports by Human Rights Watch, Physicians for Human Rights, and Amnesty International. There were special meetings, briefings and no doubt countless resolutions introduced and passed. The bottom line, however, is that it failed to stop the genocide and we must all bear some of that responsibility for the rest of our lives. Mr. Chairman I would submit that we failed for precisely the same reasons we risk failure again here today: we are all waiting for the other shoe to fall before we react.

For example, over the past year in Burundi, Amnesty International has been documenting the ongoing slaughter between militias linked to Hutu based political parties and the Tutsi dominated military. Since the coup d'etat that restored President Pierre Buyoya, Amnesty International estimates that government forces killed over 400 people per month with the militias being equally destructive: the UN Special Rapporteur for

Burundi estimated that at least 800 people were being killed on average per month by both sides. Some estimates put the death toll at 10,000 for 1997. In February the army was reported to have killed 83 civilians in *Gitaza*, Rural Bujumbura province. In January and February up to 122 people, including a 70-year-old man and six children under the age of 10, are reported to have been killed in *Rutegama* commune, *Muramvya* Province. Some of the killings have been carried out by the security forces with participation of members of *Tutsi* militias. Civilians have also been coerced into joining patrols to hunt down alleged rebels, and in some cases have been forced to carry out the killings. Of course accompanying the killings has been the entrenchment of impunity. The seeds for future violations are being laid right now.

The conflict in Burundi has created close to 200,000 refugees and displaced thousands of others. Since February of 1996, thousands of Hutu civilians have been forced to leave their hills and have been confined to regroupment camp which the government are to protect these people. While the government claims these have been voluntary re-locations, hundreds of men, women, and children have been extrajudicially executed during the process and the regroupment policy has been applied almost exclusively to members of the Hutu population. Soldiers have attacked civilian population during regroupment processes, killing unarmed civilians, looting their property and burning their houses. *272 people who had not regrouped were reportedly killed in Butanzwa commune.*

In the early 1990s similar abuses were taking place. Extrajudicial killings were occurring as members of the Hutu majority, frustrated with the lack of justice at the hands of Tutsi government officials began to take matters in to their own hands. There were court cases where Tutsi defenders did not make an effort to defend their Hutu clients resulting in severe sentences being passed.

Just as they are now, the Burundian security forces committed systematic abuses, massacring Hutu civilians in reprisal for attacks committed by the Party for the Liberation of the Hutu People (PALIPEHUTU). In October 1993, following the overthrow and assassination of President Melchior Ndadaye, the country erupted in an orgy of killing claiming at least 50,000 lives.

In Rwanda, extrajudicial executions by soldiers of the Rwandese Patriotic Army (RPA) and deliberate and arbitrary killings by armed opposition groups have taken the lives of thousands of men women and children the context of armed conflict in the northwest of Rwanda. Forces linked to the former government and the extremist militia, the *interahamwe* have escalated their attacks, freeing captured Hutu rebels and massacring villagers suspected of not supporting their cause. In one of their most disturbing attacks, insurgent elements launched a raid the day the Secretary of State Albright arrived in Kigali. The Hutu rebel massacred around 300 mainly Tutsi Congolese refugees in *Mudende*, *Gisenyi*, on December 11, 1997. There is little doubt that the forces linked to the government continue to operate with the same intentions as they did in

1994: the seizure of absolute power in the country and the removal of any Tutsi challenges to that control.

However around the same time word began to spread of a large massacre by the Rwandan Patriotic Army (RPA) at the Nyakimana cave complex in Kanama, Gicenyi which occurred in October 1997. Amnesty International received information that put the death toll as high as several thousand, some of them possibly being sealed alive in the caves. Despite a swift response by Secretary of State Albright to investigate the massacre, for which they should be lauded, no one able to satisfactorily investigate or disprove the figure. Until this has been done and there has been some attempt by the Rwandan government to enforce accountability for whatever happened, the Rwandan armed forces will be perceived as human rights violators by people within Rwanda. In November, Amnesty received reports that RPA soldiers killed at least 539 civilians in Jenda, Nkuli, Ruhengeri, and that soldiers surrounded Kirehe cellule, in Gatondc, Ruhengeri, Rwanda, and shot more than 300 people. We estimate that the death toll between January and August was over 6,000, killed by the RPA alone. When one adds the growing effectiveness of the insurgent forces, often referred to as the genocideers, the death toll in reality is probably much higher.

There is the issue of the over 150,000 persons who remain incarcerated in overcrowded jails. These persons are in the difficult situation of waiting for the opportunity to prove their innocence in an environment which assumes their guilt. Should that opportunity arise, they will go before a judicial process that however well intentioned is over-stretched, understaffed and under-funded. For most of the population it has failed to deliver justice. Where cases have gone forward they have been plagued with judicial shortcomings, and have resulted in several death sentences. And here I would like to add that while some may dismiss our critique as unrealistic, perceptions of justice and injustice cannot be underestimated in Rwanda. These trials are taking place before a volatile audience, some who cannot wait for revenge and others already convinced that they are nothing more than a facade for reprisals for the genocide. It is all the more important that the proceedings be conducted in a manner which gives both camps as little to attack and reject as possible. Adding to this tensions is the fact that the Rwandan authorities have also increasingly imposed capital punishment and allowed summary executions.

Another warning indicator has been the treatment of returned refugees. The great exodus from the war zone of eastern Zaire was seen as a major breakthrough for the region. Over 500,000 persons returned to Rwanda in November 1996. Of these, over 5,000 were quickly arrested within weeks of their return. Those that did make it home faced more than the stigma of being returned Hutu refugees: unless they are able to prove unequivocally their innocence, they immediately become suspected of participating in the genocide and risk detention.

Let us look back for a moment. In Rwanda in 1992, 93 and 94, there were killings by the Rwandan army and the militias that went un-investigated and unpunished. In

January 1993 violence sponsored by the National Revolutionary Movement for Development (MRND) resulted in over 400 deaths and roughly 4,000 people displaced. While the Habyarimana government removed the officials in charge of the affected areas, none were charged or brought to trial. Many were re-assigned to important posts following an investigation by an inter-ministerial commission. There were reports documenting how Government forces tortured, assaulted, raped and killed with impunity and how the climate of fear was growing as efforts to seek legal redress continuously failed. Then the worst happened and again, the international community's best offer was to go in and try to help pick up the pieces.

The human rights situation in the former Zaire, where the hopes that the removal of long time dictator Mobutu Sese Sekou would lead to a new promising beginning in the Congo also remain precarious. While it is still early, in terms of respecting and protecting human rights, thus far the government's performance has been disturbing. Since coming to power the Alliance of the Democratic Forces for the Liberation of Congo (AFDL), under Laurent Kabila has displayed an intolerance for criticism and debate, banning all political parties, harassing and intimidating and jailing members of non-governmental organizations. Less than a month ago Reverend Jesse Jackson, the President's Special Envoy for Democracy and Human Rights met with Etienne Tshsekedi, a leader among the Congo DRC's civil society and the leader of one of the few political parties to have fought Mobutu and survived. The government's response was to cancel their meeting with Rev. Jackson and send Tshsekedi to house arrest in his village where he remains to this day.

The AFDL forces and their allies have also been linked to internal massacres of internally during and after the take over of the country. Many of the more than 1,000,000 refugees from Rwanda and several thousand from Burundi, were and continue to be deliberately and arbitrarily killed in large numbers by forces of the (AFDL). Targeted groups include Rwandese Hutu refugees and Congolese thought by the AFDL to be sympathetic to Hutu or hostile to what they perceive to be Tutsi domination.

In July, several hundred people who had come to a public meeting with the AFDL at Mushangwe, Bashali county in the Masisi district in DRC were reportedly herded in to houses and then burned alive. Between the 2nd and 5th of August, members of the AFDL reportedly killed as many as 800 unarmed residents of the villages of Wimbi, Alela, Abanga and Talama (DRC). The villagers who had reportedly tied white bands around their heads to show support for President Kabila, were nevertheless attacked by the AFDL forces, who shot indiscriminately. The victims included Rwandese and Burundian refugees.

An additional point of concern has been the new government's resistance and gamesmanship in the face of an effort by the United Nations to investigate the reports of the massacres. For nearly a year, the UN Mission has been stalled through a mixture of evasion, intimidation and dis-information. The result has been the prevention of the mission from visiting possible massacre sites, thus reinforcing impunity throughout out

the region. If the government has nothing to hide, it seems strange that they would not be interested in having their names cleared as quickly as possible.

The rule of law in Congo DRC and the ability of the courts to protect human rights remains seriously compromised by a lack of resources and by a disregard of due process by the new government. Laurent Kabila established a Military Order Court in August to try soldiers; however, it has been increasingly used to try civilians, thereby circumventing the civilian courts. These military courts do not allow any appeal to a higher court and many of the cases before them have been tried with the defendants having no lawyers. Amnesty International has received reports of summary executions in Kinshasa, Goma and Bukavu.

In short, the general human rights situation in all three countries, in short, remains poor and vulnerable to further deterioration. Indeed, we believe that unless decisive action is taken to prevent further deterioration, the question is not one of whether there will be another explosion, but, rather when it will occur. Amnesty International feels strongly that the time to act is now, when the levers of pressure from the international community have some structures to work with and before yet another massive loss of life occurs.

Mr. Chairman, no one is going to say that the issues in the Great Lakes are not complex because they are. Nor will their resolution occur quickly, as some say the human rights community demands, because we know this will take time. However, for the ordinary civilian in any of the three countries there is no more time, given the risks they face on a daily basis. At the same time, a rights-respecting environment, which I think we all agree is essential to building stability and facilitating the creation of mechanisms for dialogue and negotiation, will only be established if there is consistent forceful pressure and support to move in that direction. With this in mind we would like to suggest the following priorities:

A) Taking Steps to increase the Protection of Fundamental Human Rights.

B) Taking Steps to stop the Enabling Mechanisms for Violence.

A. Taking Steps to increase the Protection of Fundamental Human Rights.

Burundi

This would mean assisting in the creation of an impartial judiciary, and aiding in the development of their ability to undertake independent investigations into human rights abuses;

Insisting that the Burundian military throughout its chain of command clearly condemn and punish attacks on unarmed civilians and other human rights abuses and violations of humanitarian law.

Supporting the right and ability of human rights organizations to operate freely.

Rwanda

Continuing to provide financial, political support to the United Nations War Crimes Tribunal in Arusha, but also enhancing and increasing managerial support to the tribunal;

Monitoring, assisting and supporting the Rwandan National Genocide trial process to insure that it meets international standards of due process;

Urging the Rwandan Government to:

- stop arbitrary arrests and prolonged detentions without charge or trial;
- replace *le commissions de triuge* and replace them with a new mechanism which has the legal status to release prisoners against whom there is insufficient evidence and proceed with this work as soon as possible;
- take immediate measures to end the cruel, inhuman and degrading treatment and torture taking place in detention centers;
- speed up the process of transferring detainees to additional prison sites as a temporary measure to relieve the overcrowding;
- pass the necessary legislation to allow foreign legal experts to work in Rwanda to accelerate the process of reconstruction of the national judiciary;
- respect and support the work of human rights and humanitarian organizations within the country.

Democratic Republic of the Congo

Focusing resources and assistance to civil society and organizations engaged in human rights work;

Assertively supporting the United Nations Commission of Inquiry and linking any assistance to the government to measurable progress in moving the Commission's objectives along;

Urging the Government to:

- publicly acknowledge that human rights abuses are being committed by various armed groups, including members of the AFDL and its allies and issue a public condemnation of all the abuses, regardless of identity of the perpetrators or the victims;

- fully cooperate with and remove any obstacles to independent investigations, including the UN Secretary General's investigative team and human rights organizations into reports of violations of human rights and international humanitarian law;

- ensure that citizens of the DRC and other countries who are identified by an independent and impartial investigation as having been responsible for human rights abuses in the DRC are brought to justice in accordance with international standards for fair trial;

- respect and support the work of human rights and humanitarian organizations within the country.

B) Taking Steps to stop the Enabling Mechanisms for Violence.

General

Standardizing and monitoring the training and the transfer of military equipment by members of the international community to ensure that such training does not contribute to human rights violations but also increases the respect and protection shown by security forces towards the rights of their citizens.

This should involve applying and enforcing codes of conduct, like the Leahy Amendment and the Noble Laureates Code on Arms Transfers for weapons and equipment and incorporating strong human rights training at the core of any IMET or other military training.

Amnesty International has developed a 12-point Guide for Good Practice in the Training and Education for Human Rights Government Officials (attached) and a 15-point program for Implementing Human Rights in International Peace-Keeping Operations which we would be willing to provide if requested.

Burundi

Stopping the flow of arms to both sides, by enforcing the arms embargo and restarting the UN-based arms monitoring project UNICOI to ensure that the embargo is respected;

Taking steps to prevent attacks on or by people living in refugee camps or camps for the internally displaced;

Ensuring members of the security forces themselves do not carry out or condone attacks on refugee camps and dispersed populations, but rather prevent such attacks and take action within the law against perpetrators of such attacks;

Providing protection to refugees returning to Burundi from attack and other human rights abuses;



MASS SLAUGHTER WAS AVOIDABLE, GENERAL SAYS; EX-LEADER OF PEACEKEEPERS TESTIFIES AT RWANDAN'S TRIAL

STEPHEN BUCKLEY
WASHINGTON POST FOREIGN SERVICE
Thursday, February 26, 1998 ; Page A17

ARUSHA, Tanzania, Feb. 25 — The former commander of a peacekeeping force in Rwanda said today that the United Nations could have halted the 1994 genocide in that central African country had it committed sufficient troops and given them the authority to aggressively pursue those carrying out ethnic massacres.

In 5 1/2 hours of often emotional testimony before the U.N. International Criminal Tribunal for Rwanda, Canadian Maj. Gen. Romeo Dallaire, 51, insisted that if the United Nations had taken such steps, the peacekeepers "would have been able to save the lives of hundreds of thousands of Rwandans."

Instead, 100 days of massacres by Rwanda's Hutu majority -- led by the army and militias -- resulted in the deaths of at least 500,000 Tutsis, as well as a much smaller number of Hutus who were seen as sympathetic to the Tutsis. A Tutsi-led rebel force stopped the killings, drove out the Hutu government and army and established the ethnically mixed but Tutsi-dominated regime that now rules Rwanda.

Dallaire's testimony stirred memories of the torrent of criticism launched at the United Nations in 1994 for not warning the world of the imminent slaughter in Rwanda and then greatly reducing the number of troops in his peacekeeping force once massacres began.

Dallaire was testifying at the trial of Jean-Paul Akayesu, a former mayor accused of overseeing the massacres of thousands of Tutsis in the town of Taba, 30 miles southwest of the Rwandan capital, Kigali.

Akayesu, whose trial began 13 months ago, is one of 23 former Rwandan government and military officials and businessmen indicted by the tribunal on charges of planning and participating in the genocide.

His attorneys suggested that they were calling Dallaire to show that if the United Nations was unable to end the massacres, government authorities could not have been expected to do so.

Dallaire -- who led the U.N. Mission to Rwanda from October 1993 to August 1994 -- had been scheduled to testify two days ago, but one of the trial's three judges fell off a horse last weekend and could not be present for the proceedings Monday and Tuesday.

In November, U.N. Secretary General Kofi Annan -- who, coincidentally, was U.N. undersecretary general for peacekeeping in 1994 -- gave Dallaire permission to testify.

However, he was permitted to discuss only general conditions in Rwanda at the time of the genocide and answer only questions deemed clearly relevant to charges against Akayesu.

Speaking before a jammed, hushed gallery, the dapper, much-decorated veteran of the Canadian armed forces delivered sometimes-riveting testimony. He often raised his voice, and at one point dabbed his glistening eyes with tissue.

From the beginning of his testimony, Dallaire suggested that his force -- initially sent to Rwanda in 1993 to enforce a peace accord between the rebel Rwandan Patriotic Front and the government -- was undermanned, ill-equipped and overburdened. The roughly 2,500 troops worked under a so-called Chapter 6 U.N. mandate, which allows international troops to use force only as a last resort and in self-defense.

As the peace agreement crumbled, Dallaire said, he pleaded with U.N. headquarters to beef up the force and expand its mandate, to no avail.

Then Rwandan President Juvenal Habyarimana's plane was shot down mysteriously on the night of April 6, 1994, as he and Burundian President Cyprien Ntaryamira were returning to Kigali from talks in Arusha. The two Hutu leaders were killed, and Rwanda's army and government-supported militias immediately began to slaughter thousands of Tutsi civilians.

After Hutu extremists hacked to death 10 Belgian peacekeepers who had been assigned to guard Rwanda's moderate Prime Minister Agathe Uwilingiyimana that same night, Belgium pulled its 350 troops from Dallaire's force, and the United Nations slashed the peacekeepers' ranks to roughly 500 soldiers. The U.N. Security Council later would vote to add another 5,000 troops, but most arrived after the killing had abated.

At one point in today's proceedings, defense attorney Nicholas Tiangaye noted that a section of the Chapter 6 mandate, Article 17, did allow Dallaire to use force to end the slaughter. "UNAMIR remained almost impotent," Tiangaye said, using the acronym by which the peacekeeping force was known. "UNAMIR was even passive in the face of widespread killings. Article 17 makes it possible to intervene when crimes against humanity are being committed. . . . Why did UNAMIR not apply Article 17?"

In response, Dallaire said that he did not authorize "offensive operations . . . because I was not fundamentally equipped or mandated to undertake offensive operations. . . . This was confirmed by my superiors. . . . I did not have the right to order [my troops] to systematically attack those who were carrying out the killings."

Meanwhile, Dallaire said, senior Rwandan officials played down the killings as "excesses" in a civil war. "They were saying they were facing not a structured army, but a rebel army, and in that context, the notion of self-defense was fundamental," the general said.

Dallaire said that if he had had a force "with the specific objective to intervene" to take aggressive action to stop the killings -- known as a Chapter 7 mandate -- the massacres would have ceased.

"Yes, absolutely," he said. "We had a time frame of about two weeks [immediately after the massacres began], easily, where we could have made the task of killing much more difficult for these people."

He said that such a force could have, for example, kept Hutus from establishing an enormous network of roadblocks, where militias and other Rwandans killed thousands of Tutsis.

If the force had had a stronger mandate, the killers would have known that "if they had gone to the roadblocks, we would have killed them."

"Seems as though you regret this, major general," Tiangaye said to Dallaire, referring to his peacekeeping force's limited mandate.

"You cannot even imagine," Dallaire replied.

Cutline: THE ROAD TO RUIN: Rwanda's Crucial Quarter-Century

1973 -- Hutu power consolidated: Rwanda's Hutu majority, in power since independence in 1961, becomes more firmly entrenched when a coup by Gen. Juvenal Habyarimana curbs political opposition and begins 21 years of hard-line rule.

1990 -- Civil war: The Rwandan Patriotic Front, a rebel group composed largely of Tutsi exiles, invades from bases in Uganda in October and battles the Rwandan army until a cease-fire is declared in March 1991. Fighting erupts again in 1992, with the rebels demanding a political role in Rwanda.

1992-93 -- The Arusha accords: Talks between the government and the Rwandan Patriotic Front result in a power-sharing deal that dilutes the political monopoly enjoyed by Habyarimana's ruling party and grants a role to the Tutsis.

1994 -- Genocide and upheaval: After Habyarimana dies in a plane crash on April 6, the army and allied militias begin carrying out massacres that claim more than a half-million Tutsi lives. The rebel front resumes hostilities, routing the army, ending the killings and taking power in July.

Canadian Maj. Gen. Romeo Dallaire passes before a map of Rwanda, projected on a courtroom wall, during his testimony. Dallaire led U.N. peacekeeping forces in Rwanda in 1993 and 1994.

Jean-Paul Akayesu, ex-mayor of Taba, listens to Dallaire. Akayesu is charged with facilitating deaths of thousands of Rwandan Tutsis in 1994.

Dallaire testified that "hundreds of thousands" could have been saved.

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**Report on the Mudende Camp Massacre (December 10-11, 1997)
and Kanama Cave Stand-off (October 26-Present)
by
David J. Scheffer
Ambassador at Large for War Crimes Issues
December 16, 1997**

Following the Secretary's request that I investigate the massacre of December 10 - 11 at the Mudende refugee camp in northwest Rwanda, I arrived in Kigali late on December 13th and visited the camp on the morning of December 14th. I was joined by U.S. Ambassador to Rwanda, Robert Gribbin, and escorted by high level Rwandan officials. I interviewed survivors, aid workers, soldiers, local government officials, and an investigator of the International Criminal Tribunal for Rwanda who happened to be near Mudende during the massacre. I also met with a representative of the U.N. Human Rights Center in Kigali.

I also investigated allegations of RPA massacres of thousands of Rwandans at the Kanama volcanic caves north of Gisenyi.

Executive Summary

1. In a manner characteristic of the genocide of 1994, the attack on Mudende camp was genocidal in character, resulting in the deaths of at least 327 Congolese Tutsis and perhaps some insurgents and the severe wounding of 267 Tutsis. One hundred and fifty Tutsi women may have been abducted by the insurgents.
2. The fate of 460 Hutu prisoners who escaped during the attack remains unknown. Some may have been killed by the RPA; others presumably fled to the Congo border with the withdrawing insurgents.
3. RPA security at the camp failed, a fact the GOR acknowledges. The local RPA commander, a Hutu who fled after the attack, may have collaborated with the insurgents in the implementation of their genocidal plan.
4. The number and severity of insurgent attacks on Tutsis in northwest Rwanda constitutes continuing genocide in Rwanda. The genocidal character of anti-Tutsi attacks has become more prominent since August.
5. The RPA response to the insurgency has been brutal and too often resulted in apparently large numbers of civilian deaths. The GOR has, to some extent, recognized the excesses and prosecuted some offending officers.

6. The poor treatment of wounded from the Mudende camp massacre reflects both the brutality of genocidal attacks and the need for a much more rapid response capability by the U.S. Government with respect to medical assistance.

7. There is no visibly credible evidence that thousands of civilians were killed by RPA forces at the volcanic caves near Kanama north of Gisenyi. However, there is evidence that humans have died in the caves.

Recommendations

1. The U.S.G. should describe the massacres of Tutsis by insurgent militia as a continuation of the genocide of 1994 and thus as "genocidal attacks" by its perpetrators. This does not impose an obligation on the United States to respond in any particular way (e.g., use of military force) against such genocide, but the United States should demonstrate a responsive policy to the genocide.

2. The Government of Rwanda should initiate an investigation of the Mudende camp massacre and examine both the actions of the insurgents and the performance of the Rwandan Patriotic Army, and bring to justice any soldiers who failed in their duties.

3. The U.S.G. should increase its military training program to the RPA to enhance the military's compliance with the laws of war and human rights law and to operate more professionally. Training of military justice lawyers and judges should be increased. The U.S.G. should press for any RPA soldiers involved with illegal conduct against civilians to be investigated and prosecuted.

4. The U.S.G. should provide communications equipment for use by the lower ranks of the RPA.

5. The OFDA and military services of the U.S.G. should improve their rapid response capabilities for medical emergencies arising from genocide or crimes against humanity.

6. The temporal jurisdiction of the International Criminal Tribunal for Rwanda should be extended beyond December 31, 1994 for an indefinite period (like the Yugoslav Tribunal) so that international crimes within the jurisdiction of the ICTR and currently being committed (such as the Mudende massacre) can be investigated and prosecuted by the ICTR. However, we should consult with the GOR and security Council governments before formally proposing this.

7. The U.S. military and intelligence community should explore with the GOR how border security in the northwest can be strengthened with U.S. assistance.

8. In the future, the United States should deploy an investigator to an atrocity site as soon as possible after its occurrence to obtain an independent analysis.

9. The U.S.G. should press the DROC to secure its border with Rwanda to prevent cross-border genocidal raids. The DROC should be pressed to facilitate safe returns of Congolese Tutsis to their homes in DROC.

10. Embassy Kigali should monitor the RPA presence at the Kanama cave openings and stand prepared to examine human remains in the caves when security permits. Embassy Kigali also should monitor the return of civilians to the fields around the Kanama caves and gauge their numbers.

MUDENDE CAMP MASSACRE

Discussion

General

Mudende camp was home to more than 17,000 Congolese Tutsis who had fled ex-FAR and Interahamwe violence in eastern Zaire, near Masisi, in 1995. They had been moved once before south Kisangani, but had returned by choice to the Mudende camp, which is relatively close to the DROC border north of Lake Kivu. In August 1997, 136 Congolese Tutsis at Mudende camp were massacred by some 500 attackers. The December 10th attack, then, was the second one in four months.

Breakdown in camp security

A senior member of the RPA told me that he was not personally satisfied with the defense of the camp on the night of December 10 and that the local commander had been suspended. Normally, 120 RPA soldiers should be guarding the camp. The local commander heard of border activity that might threaten the camp. In response on the night of December 10, he deployed 72 of his soldiers to head off the suspected infiltrators before they could get to the camp. In retrospect, the senior RPA official said that the RPA should have used other troops to ambush the infiltrators and keep the 120 man contingent at the camp.

The senior RPA official further reported that when the attack occurred, only 36 soldiers were left near the camp. One platoon also was at the nearby Mutura Commune and could react instantly. The reaction of the soldiers was inadequate. The attackers mixed with the camp population. The soldiers focused on getting reinforcements. Although the soldiers had heavy weapons, including big machine guns, they may not have fired them into the camp for fear of injuring camp residents. So there may have been no attempt to engage the insurgents directly inside the camp and among the camp population.

An investigator for the International Criminal Tribunal for Rwanda informed me just as I was leaving Rwanda that the local RPA commander was a Hutu who has now fled into hiding. If the local commander was an ex-FAR/Interahamwe collaborator, then he might have found it convenient to lead 72 of his men on a patrol to the border in search of the very insurgents who were heading towards the camp. It might also explain what the ICTR investigator further reported to me: Two days before the massacre the local population in Mutura left the area, almost as if they had been tipped off that they should not be present on December 10th.

If the local commander was a Hutu collaborator and orchestrated a diversion for most of his soldiers in order to facilitate the massacre, then serious questions would be raised about the RPA's share of responsibility for the massacre, even though higher ranking officers probably were not party to the conspiracy.

The Assault on Mudende Camp

The insurgents' attack commenced around 11:30 p.m. on December 10. They attacked from two different directions--one wave from the south and the other wave from the west. As they rushed into the camp, they mixed in with the refugees. They started throwing hand grenades at the tents or shelters of individual refugees, as well as larger settlement facilities. The weapons used included guns, machetes, spears, and axes. The insurgents burned many of the tents and other shelters. The refugee leader reported that the insurgents threw sword-like torches on the tops of tents and then lit them.

The camp is nestled in a lush green valley near the Rwanda-Congo border and northwest of Gisenyi. It is a sprawling camp dominated by hundreds of tents of UNHCR blue or white colored tarp and countless EC food canisters. Scores of tents and other makeshift shelters had burned to the ground. Cooking items, clothes, and other implements of camp living were strewn at random throughout the camp. Many standing tents bore clear evidence of machete slashes where insurgents

presumably slashed their way in search of victims. We were told that when Tutsis were found inside their tents, the tents would be burned with them inside. When they tried to escape the flames, they were attacked by the insurgents.

There were several more permanent structures where killing clearly occurred. In one building, a room with two outside doors appeared to have been the scene of horrific carnage. Apparently, refugees fled into this building for safety in a large room. But when they were found there, the insurgents lobbed grenades into the room, and then aimed gunfire through its doors. There was evidence of grenade blast as well as many bullet marks in the walls. Empty shell cartridges from weapons typically used by the insurgents, and not by the RPA, were strewn around the ground. These included 5.56 shell casings (typically used with M-16's or South African G-Series rifles) and 7.62x39 shell casings (typically used with AK-47's). Blood soaked parts of the floor and walls of the room, and pools of drying blood could be seen on the ground immediately outside the room.

We entered a warehouse where refugees had been living. A grenade blast could be seen on the cement floor, with grenade blast damage also evident in the metal roofing immediately above the impact area. There were pools of blood on the floor and bullet holes in the walls. More blood was evident at one of the doorways to the warehouse. The clothing left behind at the site suggested that a woman had been gunned down.

Near the warehouse sat a series of large steel containers (as typically used in container freight traffic). One container was the scene of apparent killing. There was blood all over the interior and on the ground immediately in front of the door of the container. I saw blood soaking a pile of potatoes. We found shell casings near the container and bullet holes in the walls of the container. There was evidence of a grenade blast inside the container.

The plan of the assault on the refugee camp appears to have been well thought out by the insurgents. I was told that a group of refugees left the camp early in the evening under circumstances that lead him to believe they may have been infiltrators who purposely left prior to the attack. The refugee leader said that a coup of 54 people who had only been in the camp for four days left early in the evening. When the attack began, some refugees in the camp started yelling "We are with you" to the insurgents, and some were in fact taken away rather than killed. The refugee leader said that 150 refugees, mostly women, were abducted. Past ex-FAR and Interahamwe practice would be to abduct women, rape them for many days, and then kill them.

The attacking insurgents, launching their assault from the south and west, moved through the camp for a period that may have lasted only 30 minutes or more than three hours. The insurgents were born in the Mudende area and knew the terrain very well, according to a senior RPA official. He claimed the attack could not have lasted longer than 30 minutes or else more refugees would have been killed. However, the leader of the refugees at the transit camp claimed that the attack ended within the camp at 3:00 p.m. on Thursday, December 11. We received other claims that the fires at the camp died down at about 1:30 a.m. but that gunfire continued thereafter. I am inclined to believe that the attack within the camp lasted until about 3:00 a.m.

Among the insurgents were women who joined in the killing. The refugee leader said the insurgents danced and sang at times, and yelled out that they were orphans of the late President and they had to continue his "work," i.e. killings. Pamphlets were dropped by the insurgents reading, "Tutsis Should Go Home" and "Tutsis Will be Exterminated." (I was not able to acquire one, though.) He also said that they were yelling that they will celebrate Christmas in Mudende and New Year's in Ruhengenri (the town located west of Mudende).

As the insurgents moved through the camp, refugees retreated towards the eastern fringe of the camp and the barracks of the soldiers located about 10-0 yards outside the perimeter of the camp. Yet the response of the soldiers remains a murky story. Without the 72 soldiers from their ranks who had left the camp early in the evening, the remaining 36 soldiers appear to have hung back from entering the camp during the carnage. Their focus was to call in reinforcements (i.e., the 72 soldiers). That call by radio for reinforcements occurred within the first 10 to 15 minutes of the attack. Nonetheless, the platoon stationed near the camp could have reacted more quickly to the violence within the camp. A senior RPA official said repeatedly that he was not satisfied with their performance, and that their deployment at the camp was ill-conceived.

Although there were heavy weapons available, including a powerful machine gun and a mortar on the large hill overlooking much of the camp, a senior RPA official said these weapons could not be used for fear of killing innocent refugees. Further, the machine gun nest on the hill adjacent to the camp could not be used against the insurgents as they moved beyond the camp to Mutura Commune because of an interfering small hill between the big hill and the western part of the camp and the road leading to the Commune.

The refugee leader at Nkirmira transit camp confirmed that there were too few soldiers left near the Mudende camp on the night of December 10 to defend it. The number of attackers was too large. When the reinforcements finally arrived, the attackers left the camp.

The refugee leader said that the surviving refugees (numbering about 17,000) did not flee the camp during the night. Those who fled were killed, he said. They may have been fearful that they would be mistaken as insurgents if they tried to move through the countryside in the dark. The bulk of the refugees left the camp in the morning.

A senior RPA official claims there were two waves of attacks on the camp--the initial attack and then a subsequent one including some of the prisoners who were liberated from the cachot at the Mutura Commune east of the camp. This may explain the discrepancy between his claim that the initial attack lasted up to 30 minutes, and the refugees' claim that the assault on the camp lasted until 3:00 a.m. in the morning (or for about 3.5 hours). It may also explain the fate of the prisoners (see below).

The number of dead and wounded at the camp included, at a minimum, 312 dead who were buried at the camp (probably 271 on Friday and 41 on Saturday) and 282 wounded (although on Sunday that number had declined to 267 after the deaths of 15 wounded in the Gisenyi hospital). The total death count as of Sunday evening thus was at least 327.

The refugee leader at Nkirima transit camp claimed a death count of 1465 refugees. When asked how to square his figure with the count of 312 who had been buried at the camp site, he said that different people died at different sites throughout the area. We had heard earlier that some family members had buried their worn relatives apart from the mass graves. He also said some bodies were burned. (However, in our walk-through of parts of the campsite, we did not discern the smell of burned bodies and did not see any obvious evidence of burned bodies.) It remains hard to reconcile this higher count with the confirmed burial count.

The number of attacking insurgents could not be confirmed or even speculated upon by anyone. It is odd that so few bodies of insurgents were located at Mudende Camp or Mutura Commune. This would seem to suggest that the RPA military response was delayed by hours and, when it occurred, the insurgents made a quick retreat. The reported gunfire, however, until 3:00 p.m. on Thursday suggests that RPA soldiers were tracking the insurgents through the fields for a long time.

The second phase of the attack took place around Mutura Commune about 1.5 kilometers east of Mudende camp. After their sweep through the camp, the insurgents moved up a road to the Commune where a cachot (local prison) containing around 460 Hutu prisoners was located. These 460 prisoners were liberated by the insurgents, according to a senior RPA official, although about seven or eight insurgents and prisoners were killed in the firefight. The two platoons of soldiers at the Commune failed, it would appear, to prevent the liberation of the prison. The Senior RPA official said he could not understand why there were two platoons at the Commune when they should have been stationed nearer to Mudende camp. (One could speculate that the soldiers retreated to the higher ground and fortifications of the Commune during the attack on the camp.)

The fate of the 460 prisoners at Mutura remains uncertain. A senior RPA official claims that they were involved in a second wave attack on the camp, and that they have returned with the insurgents to the Congo. He fears that if they are taken back to Masisi in DROC, then they will be trained to fight with the insurgents. But he hopes that many will return to the Mutura cachot in a manner similar to other situations in recent weeks where liberated prisoners return to their cachots once they determine they do not want to join the insurgency.

Others believe that the prisoners were killed by RPA soldiers. When I visited the cachot, I saw what appeared to be many bullet holes in the metal roof of the cachot, as well as bullet holes on the walls. There also was some blood on the floor of the cachot and pools of blood outside both of the two doors of the cachot. We were told that three bodies were found outside the cachot. But we saw no evidence of large numbers of bodies or of mass graves near the cachot. Nonetheless, a senior RPA official had some difficulty explaining why there was so much blood and gunfire damage to the cachot if the prisoners were being liberated there by the insurgents. He also said that RPA soldiers had stood in a field adjacent to the side door of the cachot and fired from that direction. This would conform with the bloodshed we saw on that side of the building. There also is a small room on that side of the cachot where there was a great deal of blood on the ground and bullet holes on the walls. However, we did not find shell casings on the ground around the cachot.

One can speculate that 1) the supposition of locals that the prisoners were all killed by RPA soldiers lacks credibility, 2) the prisoners were killed en masse and efficiently disposed of elsewhere by the army, or 3) the prisoners were hunted down throughout the night in the countryside and/or during a second assault on the camp in which

they participated. Again, however, we do not know of any hard information about the whereabouts of the prisoners, dead or alive. If they begin to return to the cachot, then that might clarify the facts.

If the prisoners were killed by RPA soldiers in reprisal following the assault on the camp, then that could lead to serious criminal charges against the RPA.

Nkirmira Transit Camp

We visited the transit camp at Nkirmira. This is where the 17,000 refugees from Mudende have congregated. Conditions are very crowded but the refugees appeared to be in reasonably good shape. These are Congolese citizens of Tutsi ethnicity. Their expressed wish is to return to their homes in DROC provided there is security, which they said would require that both the governments of DROC and of Rwanda assure them of security. But as long as they feel insecure, they want to stay in the transit camp. They strongly object to any suggestion that they return to the Mudende camp. The refugee leader with whom we spoke said that this was not the first time the Hutus had tried to kill them. He said that his people used to live in harmony with their neighbors in DROC. That changed only when the Interahamwe arrived in DROC. His people's enemy was not their neighbors in DROC, the Interahamwe. He confirmed that they wanted the perpetrators of the camp massacre to be brought to justice. This would send a message to the people of Masisi in DROC that they cannot commit such crimes without being brought to justice.

A UNHCR security official we met at the Nkirmira transit camp said that security for the transit camp was very poor. He feared that an armed attack on the transit camp could be devastating. I conveyed these concerns to GOR officials.

Gisenyi Hospital

The evidence of genocide swamped all available space at the small Gisenyi Hospital. There was only one surgeon at the hospital caring for 267 victims of the massacre. Fifteen victims had died. The surgeon had not slept for days. His few nurses were not adequately trained for post-operative care. There were many tents erected on the property of the hospital by Medecins sans Frontiers. Conditions were wretched compared to Western hospitals, but average for African hospitals.

The patients were primarily children and women and some elderly people. These were the ones who apparently could not move fast enough to escape the attackers' blows. They were suffering from a range of severe wounds. The most common were the machete slashes, which split open heads and faces, stomachs, legs and arms, backs, etc. There also were large numbers of gunshot wounds. One girl was paralyzed from a machete or gunshot wound to her spine. Numerous children's and adults' heads were slashed open and heavily bandaged. We were told by the surgeon of his attempts to literally push brains back into victims' heads. One child's jaw was ripped away. Several amputees already occupied beds. One child screamed as the doctor approached, knowing that his arm probably will be amputated soon. Some patients were in comas. A small child's broken leg was bandaged and hanging vertically from atop the patient's bed. Many small children were bed-ridden with IV drips immobilizing them and causing them to cry. Some children's intestines had been ripped open with machete slashes, and they were patched up with large bandages on their stomachs and sides.

Hygienic conditions were awful, but apparently not uncommon for Africa. Nonetheless, the high number of densely concentrated surgery patients made this hospital, with only one doctor (also serving as surgeon), a crisis ward of the first order.

In short, Gisenyi Hospital is the scene of the horrific consequences of the genocidal attack at Mudende on December 10. The suffering is almost unbearable to witness, particularly among the children. The evidence of assault on women and children is outrageous.

We recorded the need for critical medical supplies and called that information into OFDA for immediate action. We were told by OFDA that it could not react quickly enough and that Embassy Kigali should seek the supplies through local NGOs. Ambassador Gribbin tasked a team of embassy officers to track down the supplies and to seek medical personnel for the hospital. Those efforts revealed on December 15 that an international NGO had pulled out of Gisenyi Hospital over bureaucratic disputes. The DATT will escort a local surgeon to the hospital on December 16th, and the requested medical supplies are being pursued locally. (See attached summary.) I was told that DoD would not respond to such a relatively small medical emergency because of the assets required to bring a MASH unit into Gisenyi. The patients at Gisenyi are expected to remain there for a least another two to three weeks. Many undoubtedly will need considerable therapeutic treatment for months, and many will have permanent injuries.

Origins and Character of Attack

There are estimated to be about 15,000 ex-FAR soldiers in the field. Thirty-three thousand have returned to Rwanda and been registered. The GOR describes those ex-FAR and Interahamwe militia who are waging continued hostilities to be genocidal forces. Their path to power is genocide. And even when in power, the only way to keep it is through genocide. While their overriding aim is power, their choice of method to attain and keep it is genocide. GOR officials said that genocide is an ideology so deeply embedded in the psychology of the ex-FAR and Interahamwe that they act with genocidal instincts.

The insurgents' attack on Mudende camp might then be characterized as a victory, for they certainly achieved a genocidal objective. For several months they have not hesitated to leave their tracks indicating genocidal intent. The message seems to be, "You are impotent in the face of our genocidal powers."

The problem of infiltrators primarily surfaced in May 1997, after the return of large numbers of the refugees from DROC. Fighting was heavy in May and June and then died down. In September and October a different kind of fighting emerged. The targets were no longer military, they were mainly civilians and those refugees, particularly Tutsis, in camps. A propaganda campaign was launched to incite to participate in genocide. It bore much resemblance to propaganda broadcasts in 1994. Clandestine radio broadcasts from Bukavu, Congo, are now spreading the same kind of propaganda, aimed at organizing people to commit genocide.

Mudende was first attacked in August. Civilians were involved as attackers. They were being told to kill people with machete and to loot as well--both aims characteristic of the 1994 methodology. In the course of the fighting, Hutus who are moderate or do not subscribe to the philosophy are killed.

Those Hutus involved in the genocide of 1994 did not necessarily return to their original prefectures; many are in places like the Mudende area carrying out these types of attacks. Even the ex-FAR who are registered are considered a threat. The GOR can account now for only about 20% of the registered ex-FAR. Those ex-FAR who are registered but refuse to return to the bush are subject to being summarily executed by the ex-FAR elements.

Mudende was a "soft target" where the ex-FAR can make a statement of genocide and quickly get away. We can expect that where ever the refugees of Mudende go now, they will be targets.

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The RPA has enough firepower and manpower. But they claim they need more equipment, including helicopters for evacuation and surprise. There also is a need for more communications gear at the lower ranks of the military. They also need more 4-wheel drive vehicles, such as Toyotas. This would allow for more patrols.

RPA-INSURGENT STAND-OFF AT VOLCANIC CAVES OF KANAMA

On Monday, December 15, Ambassador Gribbin and I were escorted by heavily-armed RPA troops to the volcanic caves of Kanama Commune north of Gisenyi where a stand-off has resulted between the RPA and about 60-1200 insurgents. Amnesty International claims that the RPA may have killed 5,000 to 8,000 unarmed civilians between October 23 - 28 inside the caves and sealed off the entrance. AI's allegation has gained considerable attention in the press and with European governments. Both the African Bureau at State and Amnesty International asked me to investigate this allegation while in Rwanda.

I learned that the insurgents had regularly ambushed vehicles on the nearby major road and singled out Tutsis for execution on the roadside. I saw three burned-out vehicles near the road which, I was told, were vehicles of death at the hands of the insurgents. Following one such attack in late October, RPA forces pursued about 60 - 120 insurgents west towards the DROC border. The insurgents fled into a network of caves the existence of which the RPA was not aware until the incident of hot pursuit.

As we hiked to the cave site, we noticed that some peasants had returned to till their land, but we saw only women and children in the fields. Many men, however, were repairing the road. It is not uncommon for land to be vacated during time of hostilities, and this particular area of the region was the scene of much insurgent and RPA activity in recent months.

We saw four cave openings. Three were blocked up with large stones. Small numbers of RPA soldiers kept vigil over all of the cave openings, including those which had been blocked with stones. At the large, unblocked cave opening, I could smell dead bodies and saw swarms of flies. I was told these bodies had been swept into the opening by heavy rains which washed through the higher elevation caves recently. I saw pieces of clothing and perhaps human remains from a distance in the darkness of the cave, but we could not enter

the cave to examine more closely. RPA soldiers had not yet entered any of the caves because they do not know how many armed insurgents may remain there. The last firefight occurred three weeks ago as insurgents fired from the unblocked cave opening. I saw evidence of bullet holes in the tree trunks rising from the large cave opening. The RPA claims there have been no attempts at surrender by those who may remain alive in the caves.

The smell of death, however, was not as overpowering as I have experienced at grave exhumations where there are hundreds of bodies. I also smelled dead bodies at one of the other, much smaller cave openings which had been blocked off with stones. Again, though, the smell was not overpowering (recognizing, of course, that the stones might have held in the worst odor). If there were thousands of dead bodies in the caves, the smell of death would have been much more powerful and the flies more numerous. I also doubt the RPA could have, or would have desired, to enter the caves in order to commit such large-scale killings. It would have been very difficult to kill large numbers of civilians inside the caves.

The RPA speculates that there are other cave openings about which they are unaware, particularly close to the DROC border. It is entirely plausible that the insurgents and any civilians who may have been with them have already escaped through one of these other possible cave openings.

I saw no apparent evidence of mass killings outside the cave openings. There were no apparent mass graves and no foliage trampled or otherwise disturbed by the presence of thousands of humans, dead or alive. Nor is there any apparent evidence of any attempt to enter the caves, clear them out, or clean up a massacre. The number of dead will only be known if and when the caves are entered for investigation.

The Amnesty International allegation of 5,000 to 8,000 civilians massacred, which apparently is based on the speculation of one anti-GOR Rwandan living in Belgium who claims to have some Rwandan sources, may be without evidentiary foundation. The GOR strongly denies the allegation, which it regards as ludicrous. Nonetheless, the RPA has killed civilians this year during counter-insurgency operations. But the AI allegation seems implausible. Although there is no doubt dead bodies in the caves, that does not mean hundreds or thousands of dead bodies are necessarily in the caves.

Further, it is difficult to ascertain the whereabouts of all of the civilians who used to live in the areas, but that difficulty should not lead one to jump to the conclusion that

they were massacred by the RPA, particularly when there is a pattern of leaving areas of hostilities until the situation is safe.

We should continue to monitor the RPA presence at the cave openings and the ultimate resolution of the stand-off with the insurgents. At some point it may be possible to examine human remains in the caves. In the meantime, we should monitor the return of civilians to the land around the Kanama caves. It is noteworthy that since late October there have been no further ambushes on the nearby road.

1997 Human Rights Incidents -- Rwanda

Insurgents committed hundreds of killings both for political reasons and in pursuit of genocidal ambitions to wipe out Rwanda's tutsis. The RPA reacted to these killings with excessive force, killing hundreds, some say thousands, of civilians. While the insurgency appeared to be operating with military tactics and objectives in the first part of the year, by late summer it had degenerated into nothing more than a continuation of the 1994 genocide. Genocide survivors, tutsi refugees from Democratic Congo, and hutu politicians at the local level have been the targets of insurgents.

The RPA response to the insurgency was brutal. Human rights observers estimated that more than 2000 civilians were killed in May, June, and July, although it is impossible to know how many of these deaths were the result of battle operations and how many were cold-blooded extra-judicial reprisals. The RPA admits to civilian killings, but says that its troops cannot distinguish between insurgents in civilian clothes and innocent bystanders caught up in battle.

In January a gang of interahamwe attacked a hospital at Kabaya, murdering three hospital workers. The next day interahamwe summarily executed twelve civilians in Giciye. On January 18 insurgents killed three Spanish aid workers and seriously injured an American colleague, who subsequently lost his leg. On February fourth insurgents murdered two expatriate UN human rights monitors and three Rwandans travelling with them.

The RPA used excessive force in dealing with the insurgency along Rwanda's northwestern border and killed many civilians. No exact death toll is available, but human rights organizations claim that more than 2000 died at the hands of the RPA. In early March the RPA ran amok in Ruhengeri, responding to an attack on a government convoy, and executed at least 100 and perhaps as many as 400 civilians suspected of collaborating with insurgents. The RPA commanders in Ruhengeri were arrested. In November they were found guilty of lapses of military discipline and were sentenced to prison terms of four years.

On April 28, insurgents killed 17 school girls and their expatriate teacher in an ethnically-motivated attack. In several incidents in May and June insurgents attacked busses and killed tutsi passengers.

In May, June, and July, frequent RPA operations around Ruhengeri caused many civilian deaths. Human rights observers estimate that more than 2000 were killed by the RPA in May and June alone, including armed insurgents but mostly civilians.

Cyabingo commune was the site of much RPA killing. In early May an RPA unit searching for infiltrators opened fire on a communal meeting there, killing 35 civilians. Following an insurgent attack on a military post on May 16, the RPA launched a cordon and search operation in the course of which 175 persons were killed in Muhoro sector. And on 24 May the RPA killed some 250 civilians during an identity card check in Rubabi and Ruvumu sectors.

After an attack by infiltrators on the marketplace of Kanama, near Gisenyi, in early August, RPA units again overreacted and killed more than 100 civilians in reprisal attacks in Kanama, Mutura, and Rwerere spread out over three days. Prisoners in local jails were killed, though it is not clear if they were killed by RPA or by insurgents. Troops looted the market and hijacked privately owned vehicles. Vice-president Kagame visited the scene of these killings and ordered an investigation. Military authorities arrested 29 RPA officers and men, including the battalion commander, on various charges.

An interahamwe gang killed 17 genocide survivors in Mutura on August 18.

Insurgents massacred 136 tutsi refugees from Congo in a machete attack on Mudende refugee camp, also in Mutura, on August 22. Some 500 attackers, including women and teenagers, killed indiscriminately women, children, and elderly, all unarmed. This attack appeared from its methods to be designed to awaken memories of the genocide of 1994.

On October 4 Jean-Baptiste Safari, known to be a sympathizer of the exile opposition group Forces of Resistance for Democracy, was assassinated outside his home, allegedly by members of the RPA. No arrests have been made.

In November reports surfaced of RPA action against suspected ex-FAR infiltration posts in volcanic caves near Kanama. The RPA admits military activity around the caves, and that it sealed off several cave entrances in an attempt to flush out infiltrators. Human Rights groups claim that many civilians also hiding in the caves died when the entrances were sealed. Journalists who visited the caves confirmed that some people certainly died in the caves, but could not estimate how many. Locals say that the

caves were the site of killings as long as ago as 1994.

Hutu extremists attacked the jail at Bulinga on November 20, freeing some 550 prisoners. The RPA says that some 200, whom it identified as insurgents, were killed in resulting battles. By mid-December, 470 of the released prisoners had turned themselves back in to authorities.

On December 12, Hutu extremists again attacked the Mudende refugee camp for Congolese tutsis, this time killing over 300.

