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United States Department of State

Washington, D.C. 20520

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DECL: OADR

TO: AF - Mr. Moose
L - Mr. Harper

FROM: INR - Toby T. Gatti *for*

SUBJECT: Rwanda - Geneva Convention Violations

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There is substantial circumstantial evidence implicating senior Rwandan government and military officials in the widespread, systematic killing of ethnic Tutsis, and to a lesser extent, ethnic Hutus who supported power-sharing between the two groups. The Rwandan Patriotic Front (RPF) has also killed Hutus in battle and has admitted targeting extremist Hutus whom it believes to be responsible for massacres of Tutsis. Unlike government forces, the RPF does not appear to have committed Geneva Convention defined genocidal atrocities.

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Bloody, inter-ethnic struggles between Tutsis and Hutus date back to the colonial period. An estimated 20,000 Tutsis were killed between 1959 and 1964 during the struggle for independence when the Tutsi monarchy fell, but the recent killings far surpass anything in Rwanda's history. Since the April 6 downing of an airplane carrying Rwandan President Habyarimana and Burundian President Ntaryamira, massacres in Rwanda have claimed from 200,000 to 500,000 lives, according to international humanitarian organizations. (We believe 500,000 is an exaggerated estimate, but no data is available, if systematic killings began within hours of Habyarimana's death.) Most of those killed have been Tutsi civilians, including women and children.

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Some Rwandan government troops, Hutu militia and extremist Hutu youth squads often trained or armed by security forces are the main perpetrators. Killings by the predominantly-Tutsi RPF are much fewer in number and have occurred mainly in battle. There are credible reports that the RPF has summarily executed Hutu militia alleged to have been involved in the massacres and the RPF has admitted to such killings. While the RPF has generally protected Hutus within the territory it controls, Tutsis behind government lines continue to be killed by government supported militias.

^{three} Geneva Convention Criteria. The 1948 Convention on the Prevention and Punishment of Crime and Genocide establishes there criteria to identify acts of genocide: 1) killing members and causing serious bodily or mental harm to members of the group; 2) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; and 3) imposing measures intended to prevent births and forcibly transferring children of the group to another group.

Killing and harm. International organizations, foreign diplomats and indigenous eye witnesses have reported systematic executions of Tutsis in villages, schools, hospitals, and churches by Hutu militia, the Presidential Guard, and military forces. Many have been killed or gravely injured by machete-wielding militia members because they are ethnic Tutsi, have Tutsi physical characteristics, or support Tutsis. Government forces have also attacked sites where Tutsi civilians have sought refuge, such as the UN-protected Amahoro stadium in Kigali. They have prevented others from leaving a stadium in Cyangugu and have selected and killed some of those inside.

Numerous credible reports claim that government officials, including national and local, officials have also exhorted civilians to participate in the massacres, often utilizing the militant Hutu radio station, Milles Collines. The new government named following Habyarimana's death is comprised primarily of hard line Hutus opposed to compromise with Tutsis and includes individuals believed to have been involved in Tutsi killings. It has taken little, if any action to halt the killings, most of which have occurred behind government lines.

Unbearable living conditions. Campaigns of ethnic cleansing against Tutsis appear well-planned and systematic. Homes are often destroyed and looted after the occupants have been killed. Hospital staffs have witnessed the execution of Tutsi patients. An estimated one million persons have been displaced and another 350,000 Tutsis and Hutus have fled the country. Inadequate nutrition and

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medical care are claiming additional lives and diseases such as cholera and hepatitis threaten thousands more. Sources of drinking water have become polluted by thousands of corpses thrown into rivers, lakes and wells. Government officials and soldiers have denied or limited access by international relief workers to threatened groups, thus preventing them from obtaining needed food and medical care. Government forces and militia have killed dozens of UN, Red Cross and other relief workers and attacked ambulances bearing the injured.

Measures to prevent births. Tutsi children, along with their parents, are being mutilated and killed. In one town, pregnant women at a maternity clinic were massacred. International humanitarian agencies estimate from eight to 40 percent of the Tutsi population may have perished.

Who Killed the Presidents. The assassins of Presidents Habyarimana and Ntaryamira may never be known. The black box from the airplane has probably been recovered by Rwandan government officials who controlled the airport when the plane was shot down or, according to unconfirmed reports, by French military officials who later secured the airport and removed the body of the French pilot from Habyarimana's plane after the crash. Reports alleging that Hutu government leaders have created lists of Tutsis and moderate Hutus to be killed cannot be confirmed, but soldiers engaged in specific executions of Tutsis and moderate Hutu officials reportedly referred to lists and addresses. There are credible, but unconfirmed reports that Hutu elements in the military opposed to the Arusha Accords killed Habyarimana in order to block the accords and eliminate the Tutsi-dominated RPF and sympathetic Hutus.

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Approved: INR/PDAS: PCWilcox, Jr.

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