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U.S. Department of State

Rwanda Country Report on Human Rights Practices for 1997

Released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1998.

RWANDA

The largely Tutsi Rwandan Patriotic Front (RPF), which took power following the civil war and genocide of 1994, is the principal political force and controls the Government of National Unity. President Pasteur Bizimungu, an ethnic Hutu, and Vice President and Minister of Defense Paul Kagame, an ethnic Tutsi, both belong to the RPF. The mainly Hutu Republican Democratic Movement retains the office of Prime Minister. Prime Minister Pierre Rwigema, a Hutu, runs the Government on a daily basis and is responsible for relations with the National Assembly. The judicial system functions only on a limited basis as in 1996.

The Minister of Defense is responsible for internal security and military defense; the Minister of Interior is responsible for civilian security matters. The security apparatus consists of the Rwandan Patriotic Army (RPA) and the gendarmerie, which is largely made up of RPA soldiers. Civilian police with limited arrest powers work throughout the country. Security forces committed numerous serious human rights abuses.

The economic situation remains difficult. The interethnic violence from 1990 onward and especially in the massive genocide in 1994 resulted in the neglect and massive destruction of much of the country's economic infrastructure, including utilities, roads, and hospitals. Most citizens are subsistence farmers, and food production even before the war had barely kept pace with population growth. Small-scale commercial activities are on the increase, but the industrial base remains neglected. Gross Domestic Product is about \$180 per year.

The Government continued to be responsible for numerous serious human rights abuses. Citizens do not have the right to change their government. The RPA used brutal tactics and killed hundreds of civilians. Some killings were for political reasons, some were acts of revenge, and some were committed during security sweeps. Prison conditions are harsh and life threatening. Authorities hold more than 120,000 prisoners in overcrowded jails; most are accused of participating in the 1994 genocide. Due process rights provided in the Constitution are not assured. Genocide trials, which began at the end of 1996, continued, with approximately 200 cases completed. Trials for every accused person now held by the authorities are expected to take years to complete. Throughout the year, the Government released small numbers of suspects who had no completed files or were ill or elderly. At year's end, approximately 3,000 had been released. However, some of these suspects were subsequently rearrested. There were also reports of some revenge killings of those released. The authorities harassed and threatened journalists, and freedom of assembly and association, political activity, and freedom of movement are restricted. Discrimination and violence against women and discrimination against indigenous people are problems.

The genocidal militias that massacred Tutsis and moderate Hutus in 1994 continued their campaign of ethnic extermination. Insurgents, including returned refugees, committed many politically motivated killings, including the killing of Tutsi survivors of the genocide, Tutsi refugees from the Democratic Republic of Congo, expatriate human rights monitors, and aid workers. The militias, composed of members of the defeated army, the former Rwandan Armed Forces (Ex-FAR) and Interahamwe genocide gangs, tried to intimidate foreigners, increased friction between the security forces and the Hutu population and created insecurity on the roads.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

The RPA committed thousands of killings, including individuals and families, in security sweeps, and in revenge for earlier killings by insurgent militias (see Section 1.g.). The RPA response to insurgency was brutal.

Human rights field operations monitors estimated that the RPA killed more than 2,000 persons in May and June, and 918 during July and August. It is not known how many of these deaths were the result of military operations and how many were premeditated extrajudicial reprisals. The U.N. Field Operations monitors reported large numbers of deaths of unarmed civilians in security sweeps, including elderly persons, women, and children, as well as insurgents and their suspected collaborators. From January through August, the RPA may have killed as many as 6,000 persons. The RPA admits to civilian killings, but says that its troops cannot distinguish between insurgents wearing civilian clothing and innocent bystanders. The Government acknowledged thousands of deaths, but claimed that the majority were insurgents killed in combat operations. For example, for May and June, the Government listed 200 to 300 civilians and 1,800 insurgents killed by the RPA, and 500 civilians by insurgents.

On January 16, Evaniste Burakali, an outspoken member of the National Assembly and the Liberal Party, was killed by an RPA soldier in a personal dispute. The soldier was subsequently arrested and is being held for trial.

In August authorities arrested eight soldiers for killing civilians and looting their homes during military action against Hutu rebels.

In August U.N. Field Operations observers reported 62 separate incidents involving 109 deaths, in which soldiers, gendarmes, or local police killed suspects allegedly attempting to escape or evade arrest. Many of these deaths were considered possible extrajudicial executions. The RPA generally does not take many prisoners.

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

In November there were reports 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 caves in an attempt to seize infiltrators. Human rights groups claim that many civilians also hiding in the caves died when the entrances were sealed. Journalists visiting the area confirmed that there were some deaths, but could not estimate the number. According to local residents, killings at the caves began in 1994 (see Section 1.g.).

Beginning in Autumn, insurgents staged several attacks on local communal jails, attempting to free Hutu prisoners. Insurgents killed dozens in these assaults. In many cases, liberated prisoners later returned voluntarily to the jails.

There are some indications that 88 prisoners whom the Ex-FAR unsuccessfully attempted to free from a communal jail in Giceye on November 17 may have been killed by the RPA after the attack. The Government stated that the Ex-FAR killed the prisoners after their attempt to free them had failed by throwing grenades through the grilled windows.

In September, four army officers convicted of involvement in a 1995 massacre of civilians in Kanama were convicted and sentenced to 28 months in prison. The officers were found guilty of failure to assist the victims.

There were many credible reports of serious human rights abuses by RPA troops, including the killing of Hutu refugees in the eastern portion of the Democratic Republic of the Congo in early to mid-year. (see Section 1.g.).

Harsh prison conditions and mistreatment contributed to the deaths of many inmates (see Section 1.c.).

Insurgent militias, which included returned refugees, former members of the FAR, and Interahamwe gangs, committed hundreds of killings both for political reasons and in pursuit of ambitions to eliminate Rwanda's Tutsis by violence. While the insurgent militias appeared to be operating with military tactics and objectives in the first part of the year, by late summer their efforts had degenerated into a desultory continuation of the 1994 genocide. The insurgents targeted genocide survivors, Tutsi refugees from the Democratic Republic of Congo, and local Hutu politicians.

In January a group of Interahamwe attacked a hospital in Kabaya, killing three hospital workers. The following day, Interahamwe summarily killed 12 other civilians in Giceye. On January 18, insurgents killed three Spanish aid workers and seriously injured one of their colleagues. On February 4, insurgents killed two U.N. human rights monitors, one a British citizen, the other a Cambodian, and three Rwandans who were traveling with them.

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 buses and killed Tutsi passengers. An

Interahamwe group killed 17 genocide survivors in Mutura on August 18.

Insurgents massacred 136 Tutsi refugees from the Democratic Republic of Congo in a machete attack on the Mudende refugee camp, also in Mutura, on August 22. Approximately 500 attackers, including women and teenagers, indiscriminately killed their victims, including women, children, and the elderly, all of whom were unarmed.

On November 20, Hutu insurgents attacked the Bulinga jail, freeing approximately 550 prisoners. The RPA claimed that it had killed some 200 insurgents in resulting battles. By mid-December, 470 of the released prisoners had voluntarily surrendered themselves to authorities.

On December 12, Hutu insurgents again attacked the Mudende refugee camp for Congolese Tutsis, killing more than 300 persons, including many women and young children, using machetes and nail-studded clubs.

On December 19, Hutu insurgents attacked a bus in the central part of the country, killing 19 persons.

b. Disappearance

There were reports of disappearances, particularly in connection with RPA antiinsurgent activity. Human rights observers note, however, that due to the tense security situation it is often difficult if not impossible to characterize definitively whether the disappearance of missing persons was voluntary or due to the use of force or whether the persons who disappeared were killed or had joined insurgent forces. Many of those who disappeared may be held in military detention. Some were released after questioning.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is contrary to the Fundamental Law, and there were no reports of systematic torture. Various observers have accused local authorities of using excessive force in arrests and interrogation, but there have been no documented cases.

Prison conditions are harsh and life threatening. There were sporadic reports of isolated deaths due to mistreatment. Overcrowding is a serious problem, and sanitary conditions are so bad that there are many deaths due to disease. Credible sources reported 860 deaths during the year from preventable disease and the debilitating effects of overcrowding. There are approximately 120,000 persons held in some 250 prisons and jails having a design capacity of 17,000. Work on new detention centers began in 1996 and these facilities remain under construction. Hundreds of children are incarcerated with adults throughout the prison system (see Section 5). In January the Government began releasing small numbers of genocide suspects whose files had not been completed, or who were ill or elderly (see Section 1.a.). However, the Government rearrested some of these suspects after protests from genocide survivor groups and local communities.

The International Committee of the Red Cross (ICRC), human rights organizations, diplomats, and journalists have regular access to the prisons. The ICRC feeds detainees in the 14 main prisons, and also provides additional expertise and logistical and material support to improve conditions for detainees. New detention centers are being built.

d. Arbitrary Arrest, Detention, or Exile

The justice system began to function regularly to a certain extent, hearing nongenocide criminal and civil complaints in addition to genocide cases. Under the circumstances of an overburdened system, the Government has little capacity to ensure due process. Arrest procedures improved during the year, but in many cases formal requirements were not met. At year's end, the Government had conducted about 200 genocide trials.

The Government arrested genocide suspects at the rate of 800 per week; arrests diminished near the end of the year. Arrests are often based on oral complaints and, it is believed, at times on false accusations. The genocide suspects are primarily Hutu, and they amount to about 10 percent of the adult male Hutu population. Throughout the year, the Government released a small number of prisoners in an attempt to comply with the law requiring that detainees without completed files be let go by the end of the year, and to release a number of ill and elderly prisoners. Best estimates were that about 100 persons were released per week countrywide. In late November, the authorities in Gikongoro released 150 prisoners, all of whom reportedly did not have files. At year's end, approximately 3,000 had been released. Protests from survivors' groups and the local population were so intense that the entire group was rearrested and returned to custody.

Exile is not practiced.

e. Denial of Fair Public Trial

The judicial system again began functioning in 1996. Never a model of free and fair justice, the system collapsed during war and genocide of 1994. The Government, with the help of the international community, is attempting to rebuild the judiciary and appoint lower court officials.

The law provides for public trials with the right to a defense. There are only a few trials of criminal suspects and there have been only about 200 genocide trials. Despite lengthy incarceration of about 120,000 genocide suspects, genocide trials continue at a slow pace, and only began at the end of December 1996.

In August 1996, the Parliament passed a new genocide law, designed to elicit confessions in exchange for reduced sentences for the vast majority of those involved in the genocide. Trials are envisioned for only the most highly placed organizers of the massacres and for those who participated with special zeal. In July the U.N. Tribunal seized seven suspects in Nairobi, Kenya; these included former Prime Minister Jean Kambanda and former senior military commander Gratién Kabiligi. The U.N. transported them to tribunal headquarters in Arusha, Tanzania.

To date few confessions have been made under plea bargaining provisions of the 1996 genocide law. Approximately 100 death sentences have been handed down in genocide trials held by the Government. None have yet been carried out.

There were no reports of political prisoners.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

The Fundamental Law prohibits such practices. Authorities generally respect these prohibitions, and prosecute violations.

g. Use of Excessive Force and Violations of Humanitarian Law In Internal Conflicts

The RPA used excessive force in suppressing the insurgency along the northwestern border and killed many civilians. No complete death total is available, but the U.N. Human Rights Field Office reported that 2,022 persons were killed by the RPA in May and June alone (see Section 1.a.). This total comprised insurgents and civilians. There were credible reports that the RPA routinely killed suspected insurgent collaborators and their families, including women and children. In early March in Ruhengeri, an RPA regiment reacted brutally in responding to an attack on a government convoy, and systematically executed at least 100--perhaps as many as 400--civilians suspected of collaborating with insurgents. The RPA commanders in Ruhengeri were arrested, court-martialed in November, and sentenced to prison terms. A military court convicted five officers and one sergeant of failure to stop the killings. The battalion commander received a prison sentence of 44 months; the others received 60-month sentences.

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

Following an attack by insurgent infiltrators on the marketplace of Kanama, near Gisenyi, in early August, RPA units again overreacted; they killed more than 100 civilians in reprisal attacks in Kahama, Mutura, and Rwerere during a 3-day period. Prisoners in local jails were killed, although it is not known if they were killed by the RPA, insurgents, or others. Troops looted the market and seized 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. They were subsequently court-martialed.

In July Vice President Paul Kagame acknowledged in a press interview that government forces participated in the overthrow of the Mobutu regime by the Alliance of Democratic Forces for the Liberation of Congo/Zaire (ADFL). There were many credible reports of serious human rights abuses by government troops, including the killing of Hutu refugees as troops took a lead role in capturing major towns and pursued remnants of Hutu insurgent groups. At year's end, a U.N. investigatory mission was conducting an investigation into these reports and reports of serious abuses by other forces operating in the same areas.

In November there were reports of RPA action against suspected former FAR infiltration posts in volcanic caves near Kanama. The RPA acknowledged that there was 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 cave died when the entrances were sealed. Journalists who visited the caves confirmed that some people died in the caves, but could not estimate how many.

In the first part of the year, insurgents fighting around Ruhengeri appeared to have a military structure and objectives, but by year's end the violence seemed to have no coherent planning, and appeared to concentrate instead on elimination of ethnic Tutsis. Insurgents committed hundreds of killings, including massacres in refugee camps (see Section 1.a.).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Fundamental Law provides for freedom of the press; however, the Government at times harassed the media.

The Government harassed journalists whose reporting was contrary to official views. In February the Government expelled a Reuters correspondent from the country for allegedly inaccurate reporting. On April 28, journalist Appolos Hakizamana was killed under suspicious circumstances. No arrests have been made.

There are several privately owned newspapers, the Government-owned Radio Rwanda, and a sporadically operating television station. The Government signed an agreement to rebroadcast British Broadcasting Corporation programs on f.m. in 1998.

The university reopened in 1996; academic freedom is respected.

b. Freedom of Peaceful Assembly and Association

The Fundamental Law provides for freedom of peaceful assembly, but authorities may legally require advance notice for outdoor rallies, demonstrations, and meetings. Political activity below the executive committee of political parties level was suspended in an agreement of the parties.

The National Revolutionary Movement for Democracy and Development (MRND), and the Coalition for Defense of the Republic, both implicated in planning and executing the 1994 genocide, have been banned by law. As part of the Arusha Accords, the remaining political parties agreed to refrain from partisan public debate during the 5-year transition period.

c. Freedom of Religion

The 1991 Constitution provides for freedom of religion, and the Government respects this right in practice.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respects them in practice. More than 1 million refugees returned to Rwanda in the last 2 months of 1996, and the resettlement generally proceeded smoothly. However, insurgent warfare and ethnic violence were frequent occurrences in the northwestern prefectures of Ruhengeri and Gisenyi.

The Government of Tanzania expelled several hundred Rwandan citizens in November; the authorities readily received them.

The return of an additional 200,000 persons during the year has reduced the documented presence of Rwandans outside the country to fewer than 20,000.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens do not have the right to change their government through democratic means. The 1992 powersharing agreement crafted in the Arusha negotiations and ratified by the 1993 Arusha Accords was not fully implemented prior to former President Habyarimana's death in April 1994, but it remains the basis of planning and the apportionment of ministries. Despite the events of 1994, the RPF brought representatives of four other opposition parties into the Government after its military victory, but none of these officials were elected. An appointed multiparty National Assembly is now functioning, with nine political parties represented, including the RPF.

There are no legal restrictions on the participation of women in political life, but women remain underrepresented in politics and government, including both the Cabinet and the National Assembly. The Batwa ethnic group is also underrepresented.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of local and international human rights groups operate without government restriction, investigating and publishing their findings on human rights violations. They include the U.N. High Commissioner for Human Rights, which operates a field office with branches throughout the country and nongovernmental organizations (NGO's), including Journalists sans Frontieres. Government officials are generally cooperative and responsive to their views. However, the Government sharply criticized the U.N. human rights field office because its monitors and investigators, in observing U.N. security guidelines, do not travel outside Kigali, and base their reports on interviews with self-described witnesses, not on firsthand observation.

In October vice presidential spokesman Emanuel Gasana said that the conclusions in a Human Rights Watch/Africa report about Rwandan involvement in killings in the Democratic Republic of Congo were false.

The ICRC is active in visiting prisons.

The International War Crimes Tribunal for Rwanda had yet to conclude its first trial. The Government in 1996 criticized the tribunal for its slow start, but welcomed signs that the tribunal was pursuing a more aggressive arrest policy in 1997.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides that all citizens are equal before the law, without discrimination on the basis of race, color, origin, ethnicity, clan, sex, opinion, religion, or social standing. However, the Government provides only limited enforcement of these provisions.

Women

Violence against women continues. Wife beating and domestic violence are normally handled within the context of the extended family and rarely come before the courts.

Despite constitutional provisions, women continue to face serious discrimination. Women traditionally perform most of the subsistence farming and play a limited role in the modern sector. They have only limited opportunities for education, employment, and promotion. The Family Code of 1992 has generally improved the legal position of women in matters relating to marriage, divorce, and child custody, but still does not meet the constitutional commitment to gender equality. For example, it formally designates men as heads of households. Also, the absence of succession laws limits a woman's right to property, thus jeopardizing her status and ability to provide for her family should she survive her husband. The omission is particularly onerous in the postgenocide period, since widows are very numerous and surviving male relatives, who would normally inherit and provide for them, are relatively few.

Children

The Government is attempting to provide an education and health care to every child. More than 50,000 children were separated from their parents during the 1994 genocide and national upheaval. Many who are still children remain in the care of strangers or international organizations.

Although the penal code prohibits the imprisonment of children with adults, the Government reports that hundreds of children are in fact incarcerated with adults throughout the prison system.

People With Disabilities

Although there are no laws restricting people with disabilities from employment, education, or other state services, in practice few disabled persons have access to education or employment. There are no laws or provisions that mandate access to public facilities.

Indigenous People

Less than 1 percent of the population comes from the Batwa ethnic group. These indigenous people, survivors of the Pygmy (Twa) tribes of the mountainous forest areas bordering the Democratic Republic of Congo, exist on the margins of society and continue to be treated as inferior citizens by both Hutus and Tutsis. The Batwa have been unable to protect their interests, which center on access to land and housing. Few Batwa have gained access to the educational system, resulting in minimal representation in government institutions. There is no reliable information on specific human rights abuses perpetrated against the Batwa population since the 1994 upheaval.

National/Racial/Ethnic Minorities

Before April 1994, an estimated 85 percent of citizens were Hutu, 14 percent were Tutsi, and 1 percent Batwa. The subsequent mass killings and migrations probably affected the ethnic composition of the population, but the extent of the changes is unknown. The Government has called for ethnic reconciliation and committed itself to abolishing policies of the former government that had created and deepened ethnic cleavages. It eliminated references to ethnic origin from the national identity card, a provision of the 1993 Arusha Accords. The Government has not statutorily addressed the issue of ethnic quotas in education, training, and government employment. It has partially integrated more than 2,000 former government soldiers into RPA forces, although not by the formula prescribed by the 1993 accord. Tutsi clergy and businessman, who were well represented in these sectors of society, were killed in great numbers in the genocide. Following the 1994 victory by the RPF, Tutsis returning from exile took over many of the business and professional positions formerly held by Hutus and Tutsis.

Section 6 Worker Rights

a. The Right of Association

In practice there is no functioning labor movement, given the massive disruptions caused by the 1994 genocide. Although preconflict labor law technically remains in effect, the Government is unable to implement its provisions. Unions are only slowly regrouping and asserting themselves.

The Constitution provides for the right to create professional associations and labor unions. Union membership is voluntary and open to all salaried workers, including public sector employees. There are no restrictions on the right of association, but all unions must register with the Ministry of Justice for official recognition. There are no known cases in which the Government has denied such recognition. Unions are prohibited by law from having political affiliations, but in practice this is not always

respected.

Organized labor represents only a small part of the work force. More than 90 percent of workers are engaged in small-scale subsistence farming. About 7 percent work in the modern (wage) sector, including both public and private industrial production, and about 75 percent of those active in the modern sector are members of labor unions.

Before 1991 the Central Union of Rwandan Workers (CESTRAR) was the only authorized trade union organization. With the political reforms introduced in the Constitution, CESTRAR officially became independent of the Government and the outlawed MRND.

The Constitution provides for the right to strike, except for public service workers. A union's executive committee must approve a strike, and a union must first try to resolve its differences with management according to steps prescribed by the Ministry of Labor and Social Affairs. The Government never enforced laws prohibiting retribution against strikers.

Labor organizations may affiliate with international labor bodies. CESTRAR is affiliated with the Organization of African Trade Union Unity and the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively

The Constitution provides for collective bargaining, although only CESTRAR had an established collective bargaining agreement with the Government. In practice, since most union members are in the public sector, the Government is intimately involved in the process (see Section 6.e.).

The law prohibits antiunion discrimination, and it has not occurred in practice. There are no formal mechanisms to resolve complaints involving discrimination against unions.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced labor, and there are no reports that it occurs in practice. Although the law does not specifically prohibit forced and bonded labor by children, such practices are not known to occur.

d. Status of Child Labor Practices and Minimum Age for Employment

Except in subsistence agriculture, the law prohibits children under age 18 from working without their parents' or guardians' authorization, and they generally may not work at night. The minimum age for full employment is 18 years, and 14 years for apprenticeships 14 years, providing that the child has completed primary school. The Ministry of Labor has not enforced child labor laws effectively. The law does not specifically prohibit forced or bonded labor by children, but such practices are not known to occur (see Section 6.c.).

e. Acceptable Conditions of Work

The Ministry of Labor sets minimum wages in the small modern sector. The minimum wage is \$1.08 (310 Rwandan francs) for an 8-hour workday. The Government, the main employer, effectively sets most other wage rates as well. The minimum wage is insufficient to provide a decent standard of living for a worker and family. Often families supplement their incomes by work in small business or

subsistence agriculture. In practice, however, workers are willing to work for less than the minimum wage.

Officially, government offices have a 40-hour workweek. Negotiations in 1993 between the unions, Government, and management were held to reduce the workweek from 45 to 40 hours in the private sector as well; however, no such reduction has yet occurred. Hours of work and occupational health and safety standards in the modern wage sector are controlled by law, but labor inspectors from the Ministry of Labor enforce them only loosely. Workers do not have the right to remove themselves from dangerous work situations without jeopardizing their jobs.

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