Country Report on Human Rights and Justice in Rwanda

Date 18 August 2016

Edited by Sub-Saharan Africa Department, The Hague

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Contents

Introduction

Within the space about 100 days, an estimated 800,000 Tutsis and moderate Hutus were systematically killed by Hutu extremists during the genocide in Rwanda, which began on the night of 6 April 1994.

The *Country report on the developments regarding the prosecution, trial and detention of genocide suspects in and outside Rwanda* of 28 November 2011 focused on the compliance with and possible violation of a number of classic human rights and the position of (alleged) government opponents in and outside Rwanda.[1] This report described the course of justice in Rwanda, particularly the administration of criminal justice, and also elaborated on the developments at the Rwanda Tribunal.

The above-mentioned report looked in depth at the genesis, course and consequences of the Gacaca proceedings. It also addressed the possibilities of tracking down genocide suspects not yet tried (or tried in absentia) in and outside Rwanda, in order to try and detain them in Rwanda.

The present country report – which covers the period from December 2011 to July 2016 – elaborates on the relevant developments following the situation in Rwanda as described in the previous country report.

This country report is based on information from public and confidential sources, including government agencies and NGOs, professional literature and media reports. For an overview of the public sources consulted, please refer to the bibliography. This report also draws on findings and confidential reports from the Dutch missions in the region.

Chapter one describes the human rights developments and the position of (alleged) government opponents in and outside Rwanda.

Chapter two elaborates on the developments in judicial procedure, and chapter three focuses on detention conditions.

[1] Netherlands Ministry of Foreign Affairs, *Thematisch ambtsbericht over de ontwikkelingen ten aanzien van de vervolging, berechting en detentie van genocideplegers in en buiten Rwanda*, 28 November 2011.

1 Human Rights

1.1 Human Rights in General

In general, there is a slight improvement in the human rights situation compared with 2011.[2] According to the *Ibrahim Index of African Governance* (IIAG), Rwanda is one of the six countries in Africa that have achieved progress in security and the rule of law, civic participation and human rights over the period from 2011 to 2014.[3] The *Gallup Global Law and Order 2015 Report* ranks Rwanda among the safest countries in the world.[4] In addition – partly as a result of efficient government policy – the country's agricultural production nearly doubled between 2000 and 2012.[5] Furthermore, its population benefited from major improvements in healthcare.[6] Unlike in 2014, there were no reports of serious human rights violations in 2015.[7]

The main human rights problems reported by international NGOs during the reporting period were harassment, arrest and abuse of journalists, political opponents and human rights advocates.[8] UN Special Rapporteur Maina Kiai reported in January 2014 that 'peaceful protests voicing dissent and criticising government policies are not allowed'.[9] The government justifies the limitation of the right to freedom of expression on the grounds of the fight against terrorism, the denial of genocide and other considerations of state security.[10] In the east of the Democratic Republic of the Congo, the Democratic Forces for the Liberation of Rwanda (FDLR) had still not surrendered at the end of the reporting period.[11] The FDLR, a violent armed group supported by militant Hutus in the diaspora, is considered an ideological and political threat by the Rwandan government. The external threat posed by the FDLR is also seen as a threat to security, and is used as a pretext to assert control over security and political life in Rwanda.[12] See also section 1.5.

The civil war, the genocide and their aftermath still divide Rwandan society. The return of refugees and the genocide led to many disputes over property. Rwandan society remains conflict-ridden, which constitutes a heavy burden for the reforms pursued by the government.[13]

Rwanda, which up to its colonisation by Belgium had been governed by a powerful monarchy, is characterised by strong authoritarian and hierarchical structures.[14] President Kagame is now the all-determining factor in Rwanda. His second (and, according to the previous Constitution, last) term will end in 2017.[15]

2 Confidential sources.
3 IIAG, *Governance progress in Africa stalling, reports Mo Ibrahim Foundation*, 5 October 2015.
4 Measured by the question of where people feel safe walking alone at night. Daily Nation, *Rwanda rated among the safest countries*, 29 September 2015.
5 World Economic Forum, *Which countries have the most – and least – efficient governments?* 13 July 2015. World Bank, *Rwanda Economic Update: Managing Uncertainty for Growth and Poverty Reduction*, 25 February 2015.
6 More than 90% of Rwandans now have health insurance. Plos.org, *Towards Universal Health Coverage: An Evaluation of Rwanda Mutuelles in Its First Eight Years*, 18 June 2012.
7 Confidential source.
8 US Department of State, Country Report on Human Rights Practices 2012 - Rwanda, 19 April 2013. US Department of State, Country Report on Human Rights Practices 2013 - Rwanda, 27 February 2014. US Department of State, Country Report on Human Rights Practices 2015 - Rwanda, 13 April 2016.
9 President Kagame holds the view that freedom of expression is not simply a human right but also a dangerous manipulative tool. Those who do not agree with his reasoning are labelled as traitors - or worse. Confidential source. US State Department, Country Report on Human Rights Practices 2014 - Rwanda, 25 June 2015.
10 Confidential source.
11 RFI, *RDC-Rwanda: scission au sein des FDLR*, 3 June 2016.
12 Confidential sources.
13 *Bertelsmann Stiftung's Transformation Index, Rwanda 2014*, 12 February 2014.
14 Rwandans generally have a very hierarchical way of thinking and a great respect for authority. This allows the president to simply remove ministers from office as they are seen as his 'employees'. Confidential sources.
15 See Article 101 of the Constitution. Confidential source.

In April 2015, a signature campaign was launched (largely facilitated by mayors and other local leaders), in which a total of 3.7 million signatures were collected[16] for a petition in which Parliament is requested to amend the Constitution so that Kagame may be allowed to stand for a third term.[17] After the petition was submitted, President Kagame initially was coy about his ambitions to remain president.[18] In late October 2015 Parliament agreed to a set of amendments to the Constitution that retained presidential term limits and included provisions shortening the term in office of the president from seven years to five years, but also provided an exception that would allow President Kagame to stand for a third seven-year term in 2017 and run for up to two additional five-year terms in office. In November 2015, these amendments were approved by the Senate.[19] On 18 December 2015, the amendments were put to a constitutional referendum. The National Electoral Commission reported that 98 percent of the registered voters had participated, and that 98 percent had endorsed the amendments to the Constitution.[20] In his New Year's address, President Kagame confirmed that he would seek re-election for a third term.[21]

According to a confidential source, there was more pressure on citizens to obey than in 2011.[22] In the Rwandan Patriotic Front (RPF) – and, by extension, in the National Consultative Forum for Political Organisations (NCFPO) – people were allowed to express their opinions. In other realms of society, however, this was far more difficult.[23] Therefore many people and organisations regularly resort to self-censorship.[24]

National Dialogue

The government set up a national dialogue between local authorities, high-level decision makers, and local communities, giving Rwandan citizens the opportunity to express their views.

In this way, high-level decision makers sometimes receive information which the local leaders failed to communicate to them.[25] The government is strongly performance-oriented: authorities, including mayors and judges, sign performance contracts and take an oath to fulfil their duties faithfully.[26]

16 BBC News, *Rwanda MPs back scrapping presidential term limits*, 14 July 2015.

17 Kagame is a popular president because of his commitment to stability, economic progress and security. Many Rwandans have personally suffered as a result of the genocide and are afraid of instability and insecurity. Confidential sources.

18 In 2013, he stated he did not want to continue as president beyond 2017: "People say that I should stay because there is no one to replace me. But if in all these years I have been unable to mentor a successor or successors that should be the reason I should not continue as president. It means that I have not created capacity for a post-me Rwanda. I see this as a personal failure." On the other hand, Kagame has always said he would respect the will of the people and that the security of Rwanda is his first priority. The Independent, *Inside Kagame's plan to retire*, 28 February 2013. Confidential source.

19 Human Rights Watch, *World Report 2016 - Rwanda*, 27 January 2016.

20 No independent international observers monitored or reported on the conduct of the referendum. The Guardian, *Rwanda votes to give President Paul Kagame right to rule until 2034*, 19 December 2015. US Department of State, *Country Report on Human Rights Practices 2015 - Rwanda*, 13 April 2016.

21 Human rights organisations accused Kagame of having stifled the media and political opposition prior to and during the referendum. BBC, *Rwanda's Paul Kagame to run for third presidential term*, 1 January 2016.

22 This would also explain the fact that more than three million signatures had been collected for president Kagame's re-election. The slogan was 'Show you're a good Rwandan by signing this petition'. Those who did not sign risked being labelled as traitors to their country. Confidential source.

23 Confidential sources.

24 Self-censorship – which is very common in Rwanda – has increased over the past few years. Self-censorship is found among journalists, the judiciary and NGOs. In some cases, judges search – of their own accord and without any encouragement from politicians – for information that will enable them to pass politically acceptable judgments. Confidential source.

25 Confidential source.

26 Some people were dismissed on the basis of these contracts. Four mayors were arrested because they falsely claimed achievement of higher targets. Confidential source.

Complaints by citizens are dealt with by the National Human Rights Commission (NHRC) and the Office of the Ombudsman.[27] When they receive a complaint, the NHRC contacts the organisation concerned.[28] From June 2014 to June 2015 the NHCR handled 3,807 complaints. Of the 3,364 complaints that were investigated, 1,541 were resolved.[29] The Ombudsman[30] had had deposit boxes installed in government buildings and police stations and had called on the population to report corruption, but received few reports.[31] The Rwanda National Police (RNP) advertised a toll-free hotline number on local radio and in the press and provided deposit boxes in many communities to encourage citizens to report both positive and negative behaviour on the part of police officers and the Local Defence Forces (LDF).[32]

The National Public Prosecution Authority (NPPA) prosecuted civil servants, policemen and other officials for fraud and corruption. The RNP informed the NPPA about crimes committed by the police and, by the end of 2014, several cases had been prosecuted.[33]

Furthermore, the population could make their complaints about organisations and officers known in television programmes and through hotlines.[34] The media have developed significantly over the past ten years. There are over thirty radio stations broadcasting informative programmes. Radio stations broadcast criticism of government policies, including on popular citizen call-in shows. Some radio stations, including Radio 1, Radio Isango Star and Radio Salus, had regular call-in shows that featured discussion of government programmes or policies. In early April 2014, one radio station suspended a morning programme after having received threats from the government as a result of a discussion in the programme about the arrest of a popular musician named Kizito Mihigo.[35] The station resumed broadcasting the programme several weeks later.[36]

[27] The National Human Rights Commission (NHRC) deals with various human rights issues, including the rights of women and children, and the right to life. The NHRC visits prisons and police detention centres in order to make sure that the maximum pretrial detention period of five days is not exceeded. Confidential source.

[28] If the bodies concerned cannot solve the problems, they may get into trouble themselves. It was for this reason that a number of high officials, including the head of a district and an alderman, were dismissed. Confidential source.

[29] Confidential source. According to many observers, the NHRC did not have adequate resources to investigate all reported violations and remained biased in favour of the government. Some victims of human rights abuses did not report abuses to the NHRC because they perceived it as biased and feared retribution by the State Security Forces (SSF). US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015.

[30] The Office of the Ombudsman was established in 2004. In 2014, the Ombudsman received 102 complaints about corruption, of which 68 were resolved, eight were referred to the judiciary, and eight cases were still pending in 2015. In 2010, 170 people were convicted of corruption; in 2014, there were approx. 100 of such cases. The Ombudsman also deals with complaints relating to landownership, dismissal and family issues. The New Times, *Poor service delivery exacerbating corruption, Ombudsman says*, 24 January 2015. Confidential source.

[31] US State Department, Country Report on Human Rights Practices 2014 - Rwanda, 25 June 2015.

[32] Ibid.

[33] Under the Ministry of Justice, the NPPA is also responsible for prosecuting police abuse cases. The RNP Inspectorate of Services investigated cases of police misconduct, and in March 2014 the RNP launched an anticorruption unit. From July 2013 to July 2014, the RNP dismissed 78 officers for corruption-related charges, suspended an unknown number of additional officers for corruption, abuse of power, or misconduct, and imposed administrative punishment on others for indiscipline. US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015. US Department of State, *Country Report on Human Rights Practices 2015 - Rwanda*, 13 April 2016.

[34] In the past three to four years, the national media such as Radio Rwanda have given their listeners the opportunity to call in, send text messages, or use Facebook or Twitter to discuss their problems. These broadcasts resulted, for example, in compensation for people who had been unfairly dismissed. Confidential source.

[35] Mihigo, a survivor of the genocide who contributed to the government's reconciliation programmes as a singer, was arrested in April 2014 and imprisoned. A journalist and a former soldier were also arrested. All three were accused of links with the Rwanda National Congress (RNC) and the FDLR. According to the BBC, the singer had close ties with the RPF. Earlier in 2014, a song of his had been banned by the authorities, apparently for touching on sensitive issues about the genocide. The East African, *Rwandans still in shock over Kizito Mihigo's arrest and the charges*, 18 April 2014. In February 2015, singer Kizito Mihigo was sentenced to 10 years' imprisonment for the formation of a criminal organisation, conspiracy to murder, and conspiracy against the government. His co-

Non-governmental Organisations

Various local and international human rights organisations have been operating in Rwanda over the past few years.[37] A number of local human rights NGOs, including the League for the Protection of Human Rights (LIPRODHOR), the Youth Association for Human Rights Promotion and Development (AJPRODHO), the Rwandan Association for the Defence of Human Rights (ARDHO), and the League for Human Rights in the Great Lakes Region (LDGL), focused on reporting violations of human rights.[38] In 2008, Parliament adopted Organic Law 55 governing Non-Governmental Organisations.[39]. This law states that NGOs are required to produce extensive documentation to obtain legal status.[40] Some NGOs reported that government officials were generally cooperative and open to their views.[41] Others noted, however, that the government was often intolerant of public reports of human rights violations and suspicious of local and international human rights observers, and it often rejected their criticism as biased and uninformed.[42] Some Rwandans regard NGOs – and especially international NGOs – as organisations that want to lay down the law to them.[43] They hold the view that foreign institutions are not suited to determine how Rwanda's future should be given shape.[44] The Rwandan government is nonetheless sensitive to (international) criticism of the human rights situation. Following the first Universal Periodic Review (UPR) by the UN Human Rights Council in Geneva in 2011, the NCHR and civil society organisations together drew up a road map for the implementation of the 67 recommendations made in the UPR. In January 2015, 72% had been implemented.[45] During the second UPR on 4 November 2015, Rwanda stated that it had implemented 63 of the 67 recommendations made in 2011.[46]

LIPRODHOR

The LIPRODHOR leadership was deposed in July 2013 after several members called an extraordinary meeting. Observers stated the meeting violated the organisation's bylaws and that the leadership was replaced due to its decision to withdraw the organisation from the committee of human rights organisations,[47] which the League's leadership accused of being pro-government. In August 2014 the Nyarugenge District Court ruled against the former leadership in a suit filed

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accused Cassien Ntamuhanga, a journalist at Amazing Grace radio, was sentenced to 25 years, and Jean-Paul Dukuzumuremyi, a demobilized soldier, to 30 years. Human Rights Watch, *World Report 2016 - Rwanda*, 27 January 2016.

36 IRB, *Rwanda: Reports of ill-treatment of members of the Tutsi ethnic group, in particular genocide survivors and perceived or actual government opponents*, 14 October 2014. US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015.

37 US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015.

38 Ibid. The LDGL suffered serious setbacks as a result of internal disputes, effectively paralysing its work in late 2015. Its executive secretary, Epimack Kwokwo, and several newly elected members of its management committee were questioned at length by the immigration authorities and police in October 2015. Human Rights Watch, *World Report 2016 - Rwanda*, 27 January 2016.

39 Organic Law no. 55/2008 of 10/09/2008 governing Non-Governmental Organisations (NGOs).

40 ICNL, *NGO Law Monitor: Rwanda*, 19 April 2015.

41 The Rwandan civil authorities are willing to contribute ideas on how human rights issues may be solved, but the army and security services are less willing to do so. Confidential source.

42 Human rights NGOs expressed fear of the government, reported SSF monitoring of their activities, and self-censored their comments. US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015.

43 Confidential sources.

44 Confidential source.

45 UNDP, *Workshop on the Implementation of Rwanda's Human Rights Obligations under the Universal Periodic Review Mechanism (UPR)*, 22 May 2012. Confidential sources.

46 For the period up to 2020, Rwanda accepted 50 recommendations and rejected 75. The government kept 103 other recommendations under consideration. Confidential source.

47 Collective of Leagues and Associations for the Defence of Human Rights.

concerning their replacement.[48] The ousted leadership appealed against the decision to the High Court in Kigali, arguing that the Nyarugenge District Court had rejected their claims without conducting a thorough investigation.[49] On 23 March 2015 the High Court upheld the 2014 court decision.[50]

New Rules for NGOs

In January 2014 the Office of the Prime Minister published regulations that required NGOs and civil society organisations (CSOs) to participate in Joint Action and Development Forums (JADFs)[51] at the district and sector level. The regulations granted local governments broad powers to regulate activities, levy fees, and bar organisations that did not comply. NGO leaders expressed concern that the forums' structure might further tighten government control over NGO and CSO activities. The government responded that the structure was intended to coordinate but not direct their activities.[52] CSOs performing their activities in collaboration with the government and with due observance of the political context can act relatively freely; those that do not may face difficulties. While new legislation and decentralisation have opened up space for increased civil society involvement in policy-making, additional restrictions have been placed on politically oriented human rights activities.[53] The Rwanda Civil Society Platform, a pro-government NGO, managed and directed some NGOs through umbrella groups. Many observers believed the government controlled some of these NGOs.[54]

There were reports in 2014 that the government sought to subvert the role of the NGOs and CSOs providing independent assessments to the UN Universal Periodic Review on Human Rights. NGO staff reported they were told not to publish assessments critical of the government or that differed from the government's official position.[55] Nonetheless some NGOs have been extremely critical of the government.[56]

The government sometimes cooperated with international human rights bodies but criticized Human Rights Watch (HRW)[57], Reporters without Borders, Freedom House and Amnesty International, as well as several UN agencies, as being inaccurate and biased. Some NGOs reported authorities pressured individuals affiliated with them to provide information on their activities, and several NGOs expressed concerns that intelligence agents infiltrated their organisations to gather information, influence leadership decisions, or create internal problems.[58]

[48] US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015.
[49] OMCT, *Entraves à la liberté d'association*, 3 March 2015.
[50] Human Rights Watch, *World Report 2016 - Rwanda*, 27 January 2016.
[51] The Joint Action Development Forums were established in 2007 to provide a platform for public-private cooperation at the district level, exchange of information and experience, and joint development planning. See also Snvworldorg, *Joint Action Development Forum in Rwanda: Experiences and lessons learned*, September 2009.
[52] US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015.
[53] ICNL, NGO Law Monitor: Rwanda, 19 April 2015. US Department of State, Country Report on Human Rights Practices 2015 - Rwanda, 13 April 2016.
[54] US State Department, Country Report on Human Rights Practices 2014 - Rwanda, 25 June 2015.
[55] Ibid.
[56] Confidential source.
[57] In June 2014 the Justice Ministry published an assessment of HRW in the *New Times* newspaper that claimed HRW was engaged in a 'deliberate, sustained, and politically motivated propaganda campaign against the Government of Rwanda' and functioned as the 'campaign mouthpiece' of the FDLR. HRW issued a statement rejecting these allegations. US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015.
[58] US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015.

In recent years the Rwandan government limited the number of foreign staff granted visas to work for international NGOs.[59] International NGOs reported that the government used the registration process to pressure them into financially supporting government programmes and supporting government policies. The government threatened legal action against organisations that did not submit annual reports on time and threatened not to register NGOs and CSOs whose scope of work was outside of government development policies.[60] CSOs can only register with the Rwanda Governance Board (RGB) and the RGB may reject the registration of a CSO if it considers the CSO endangers national security, public order, public health or human rights.[61]

1.2 Torture and Abuse

As regards torture and abuse committed by soldiers, police and members of the Local Defence Forces (LDF, see 1.2.4.) the situation has generally improved since the previous country report on Rwanda. However, HRW and local observers did report that (alleged) collaborators with the FDLR (see 1.5.) detained during the arrests in January-May 2014 were interrogated, abused, and in some instances tortured at military and police detention centres, including the Kwa Gacinya detention centre in Kigali and the Kami military intelligence camp.[62]

1.2.1 Legislation

Rwanda is party to the UN Convention Against Torture[63] (UNCAT) and ratified the Optional Protocol to this Convention in June 2015.[64] Rwandan law prohibits torture and degrading treatment.[65]

On 2 May 2012, the government signed into law a new penal code that upgrades torture from an aggravating circumstance to a crime in itself.[66] Article 176 of the new penal code has adopted almost the entire contents of Article 1 of the UN Convention Against Torture (UNCAT) on the definition of torture. However, the definition in the penal code does not contain the UNCAT provision that torture occurs when 'such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.' Consequently, private citizens may also be charged with torture.[67] The law provides for penalties, defined by the extent of injury, for state security forces and other government agencies, up to a maximum of life imprisonment.[68]

1.2.2 Torture by Military Personnel

Reports by Amnesty International documented 18 allegations of torture and degrading treatment perpetrated by members of the military intelligence service in 2010 and 2011 to force information or false confessions out of detainees at Kami

[59] Ibid.
[60] Ibid.
[61] Confidential source.
[62] Joel Mutabazi, a former bodyguard to President Kagame, had been detained by military intelligence at Camp Kami for several months in 2010 and 2011 and tortured. He had fled to Uganda, but in October 2013 he was abducted and illegally returned to Rwanda. Human Rights Watch, *World Report 2015 - Rwanda*, 29 January 2015. Amnesty International, *Annual Report 2014/15 - Rwanda*, 25 February 2015. US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015. US Department of State, *Country Report on Human Rights Practices 2015 - Rwanda*, 13 April 2016.
[63] Full title: *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*.
[64] This was one of the 67 recommendations made by the UN Human Rights Council during the Universal Periodic Review (UPR) in Geneva in 2011. See https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-9-b&chapter=4&lang=en.
[65] US Department of State, *Country Report on Human Rights Practices 2012 - Rwanda*, 19 April 2013.
[66] Organic Law No. 01/2012/OL of 02 May 2012 instituting the Penal Code. See https://www.ilo.org/dyn/natlex/docs/SERIAL/93714/109657/F1967095662/RWA-93714.pdf. US Department of State, *Country Report on Human Rights Practices 2012 - Rwanda*, 19 April 2013.
[67] US Department of State, *Country Report on Human Rights Practices 2012 - Rwanda*, 19 April 2013.
[68] US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015.

military intelligence camp, Ministry of Defence headquarters, Mukamira military camp, and at undeclared detention facilities (so-called safe houses).[69] Former detainees stated to Amnesty International, Human Rights Watch and LIPRODHOR that they had endured sleep deprivation, sensory deprivation, starvation, extraction of fingernails, electrocution, scalding, melting of plastic bags over the head, suffocation, burning or branding, beating, and simulated drowning through confinement in cisterns filled with rainwater.[70]

In 2012 there were reports that J-2 military intelligence personnel employed torture and other degrading treatment or punishment to obtain confessions in military detention centres, although less frequently than in the previous year.[71] There were also several reports of impunity involving the National Intelligence and Security Service (NISS) and Rwanda National Police (RNP) forces related to disappearances, illegal detention, and torture in military and police intelligence detention centres and safe houses.[72] In May 2012, the Rwandan government categorically denied all allegations of illegal detentions and torture reportedly committed by the Rwandan military intelligence service.[73] The government did not investigate these cases further.[74] In several cases, courts did not take into consideration that defendants had been tortured by military personnel and failed to investigate the allegations.[75] The State Security Forces (SSF) increasingly used safe houses to detain and interrogate 'subversive' detainees and military officers accused of insubordination. The government selectively permitted visits by independent human rights observers.[76] In 2013 there were also reports that the SSF had coerced confessions.[77]

Rwandan Defence Force (RDF) reforms in 2012 resulted in a reduction in reports of torture.[78] NGO's reported that the RDF had taken positive steps to reform military interrogation methods and detention standards, resulting in fewer reports of torture and degrading treatment at Camp Kami and other military detention facilities.

[69] Freedom House, *Freedom in the World 2013 - Rwanda*, January 2013.

[70] They were allowed only two toilet visits per day, they had to eat next to their faeces, and they were sometimes told the food was poisoned. US Department of State, *Country Report on Human Rights Practices 2012 - Rwanda*, 19 April 2013. Freedom House, *Freedom in the World 2013 - Rwanda*, January 2013. Human Rights Watch, *World Report 2015 - Rwanda*, 29 January 2015.

[71] US Department of State, *Country Report on Human Rights Practices 2012 - Rwanda*, 19 April 2013.

[72] These reports continued in 2013. The RNP, under the Ministry of Internal Security, is responsible for internal security. The RDF, under the Ministry of Defence, is charged with providing external security, although the RDF also works on internal security issues alongside the RNP. US Department of State, *Country Report on Human Rights Practices 2012 - Rwanda*, 19 April 2013. Freedom House, *Freedom in the World 2015 - Rwanda*, 28 January 2015. US Department of State, *Country Report on Human Rights Practices 2013 - Rwanda*, 27 February 2014. US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015.

[73] In June 2012, the Rwandan Minister of Justice acknowledged that illegal detentions had occurred, attributing them to operatives' 'excessive zeal in the execution of a noble mission'. On 7 October 2012, the government issued a statement reaffirming that illegal detentions had taken place, but made no reference to investigations or prosecutions. Amnesty International, *The State of the World's Human Rights - Rwanda*, 23 May 2013.

[74] Amnesty International, *The State of the World's Human Rights - Rwanda*, 23 May 2013.

[75] On 13 January 2012 judges convicted several defendants in relation to grenade attacks in 2011. These defendants had declared they had been tortured, but the judges placed the onus of proving torture on the defendants and refused to examine the defendants' claims absent a medical report. However, Amnesty International and HRW claimed the defendants had had no access to doctors during their time in detention at the military intelligence camps (Kami and Mukamira). During the trial of Victoire Ingabire, the court failed to investigate the statements by two co-accused that their confessions – which were also incriminating Ingabire – had been made while they were tortured in military detention. Human Rights Watch, *World Report 2013 - Rwanda*, 31 January 2013. US Department of State, *Country Report on Human Rights Practices 2012 - Rwanda*, 19 April 2013. Amnesty International, *The State of the World's Human Rights - Rwanda*, 23 May 2013.

[76] US Department of State*, Country Report on Human Rights Practices 2012 - Rwanda*, 19 April 2013.

[77] There were also reports in 2013 that judges accepted confessions obtained through torture despite defendants' protests and failed to order investigations when defendants alleged torture during their trial. It is unknown to what extent such confessions were used as evidence. US Department of State, *Country Report on Human Rights Practices 2013 - Rwanda*, 27 February 2014.

[78] US Department of State*, Country Report on Human Rights Practices 2012 - Rwanda*, 19 April 2013.

However, they cautioned that monitoring was made more difficult by the increased use of safe houses by the NISS, the RDF J-2, and the RNP's intelligence division.[79] In 2013 there were fewer reports of abuse of detainees and prisoners by military intelligence and NISS personnel compared with 2012. The authorities dismissed or disciplined some police officers for use of excessive force and other forms of degrading treatment in 2013.[80]

By the end of the reporting period, the authorities generally had the RNP and RDF under control, and the government had instruments to punish abuse of power and corruption. Nevertheless, in 2014 there were still some reports that the RDF J-2, NISS, and RNP intelligence forces were responsible for disappearances, illegal detention and torture in both official and clandestine military and police detention centres.[81] Reports on torture continued in 2015.[82] Past allegations, including abuse, electrocution and sensory deprivation, were not investigated.[83] The National Human Rights Commission (NHRC) does visit detention centres, but has no access to military camps. In the event of complaints, the NHRC can pose questions to the Minister of Defence or the RDF's Chief of Staff.[84]

1.2.3 Police Abuse

There were numerous reports in 2012 of abuse of detainees and lengthy illegal detention by police intelligence at the Kwa Gacinya detention centre in Kigali, despite government assertions that the centre had been closed. Former detainees told HRW they were detained in isolation and repeatedly beaten with plastic batons or bare hands to secure information and force confessions.[85] Reports of abuse at the Kwa Gacinya detention centre continued in 2013 and 2014.[86] There were also reports of abuse at the Gikondo Transit Centre (locally known as Kwa Kabuga).[87] Authorities dismissed or disciplined some police officers for use of excessive force and other abuse. Police investigations led to formal criminal charges. In some serious cases, the police officers were tried and convicted.[88]

1.2.4 Local Defence Forces

There also were reports of abuse of suspects by Local Defence Forces (LDF), an organisation of approximately 20,000 volunteers that assisted police.

[79] US Department of State, *Country Report on Human Rights Practices 2012 - Rwanda*, 19 April 2013. Freedom House, *Freedom in the World 2013 - Rwanda*, January 2013.

[80] US Department of State*, Country Report on Human Rights Practices 2013 - Rwanda*, 27 February 2014.

[81] US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015. See in particular the section headed *Role of the Police and Security Apparatus*.

[82] US Department of State*, Country Report on Human Rights Practices 2015 - Rwanda*, 13 April 2016.

[83] Amnesty International, *Annual Report 2014/15 - Rwanda*, 25 February 2015.

[84] Confidential source.

[85] Two university students were arrested in September 2013 following an attempt to deliver a petition to the Office of the Prime Minister protesting the government's decision to levy fees on socially and economically disadvantaged university students. The two students reported police beat them with metal rods. Despite reporting their abuse allegations to a judge, no public investigation occurred. US Department of State, *Country Report on Human Rights Practices 2012 - Rwanda*, 19 April 2013. US Department of State, *Country Report on Human Rights Practices 2013 - Rwanda*, 27 February 2014.

[86] Human Rights Watch, *World Report 2014 - Rwanda*, 21 January 2014. Freedom House, *Freedom in the World 2014 - Rwanda*, 23 January 2014. US Department of State, *Country Report on Human Rights Practices 2013 - Rwanda*, 27 February 2014. Human Rights Watch, *World Report 2014 - Rwanda*, 21 January 2014. US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015.

[87] In a trial of 20 people that began in 2012 and concluded in September 2013, a court in Gasabo, Kigali, failed to investigate claims by defendants that they had been held in illegal detention centres and tortured. Several defendants, accused of theft, said they had been held unlawfully, in two unofficial detention centres known as Kwa Kabuga and Kwa Gacinya. They stated in court that the police had tortured them to force them to confess or incriminate others. The judge dismissed their allegations of torture, saying the detainees had no evidence. Human Rights Watch, *World Report 2014 - Rwanda*, 21 January 2014. US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015. Human Rights Watch, *World Report 2016 - Rwanda*, 27 January 2016. See also 3.2.2.

[88] US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015. US Department of State, *Country Report on Human Rights Practices 2015 - Rwanda*, 13 April 2016.

The LDF performed basic security guard duties throughout the country and chased illegal street vendors, petty criminals, and prostitutes from public areas. Members of the LDF were unpaid and received less training than the RNP officers. The government warned the LDF against involvement in criminal activity and prosecuted members who committed crimes. Although reports of LDF abuses continued to decrease, some human rights groups considered the LDF abusive and accused the government of not taking sufficiently strong action against some members.[89]

The Local Defence Forces (LDF) ceased to exist in early 2014 and were replaced by two new groups, the District Administration Security Support Organ (DASSO) and the Reserve Forces. They promote security within the community and have taken over the role that was previously held by the LDF.[90] DASSO was established in late 2013 by presidential decree as a result of the Law of 10 May 2013 establishing the District Administration Security Support Organ.[91] The members of DASSO receive salary and are hired on the basis of their level of training and experience. They are better trained than the LDF volunteers. Whereas the dark red uniforms of the LDF volunteers bore no insignia, those of the DASSO personnel have epaulettes that indicate rank (constable, corporal, sergeant, assistant-inspector, inspector and chief-inspector).[92] In practice, there is little difference between DASSO and the LDF, according to one source. DASSO's mandate is in practice limited to the *collines*,[93] or rural areas, where police and military presence is low. The members of DASSO are responsible for the security of the communities, particularly at night. In some cases, they use violence – just as the LDF did. According to one source, individual DASSO officers generally behave themselves better than the LDF, but local leaders continue to demand that they use brute force.[94] In 2015, there were still reports of suspects having been abused.[95] The Reserve Forces (demobilised military personnel) are disciplined and well trained. They also have other skills and work closely together with the people in the communities.[96]

1.2.5 Monitoring and Assistance

Local NGOs such as the Youth Association for Human Rights Promotion and Development (AJPRODHO) visit police stations where people are being detained, to see whether detainees are subjected to physical violence or torture. Sometimes detainees are not very willing to talk about how they are being treated. Representatives of these NGOs think this may be because detainees have been put under pressure by the government officials who prepare these visits. According to one source, there has been some improvement over the past few years. Testimonies of torture were mostly made by Rwandans abroad whose credibility is sometimes difficult to assess.[97] According to one source, HRW submitted to the Rwandan authorities a long list with the names of people who, according to this organisation, had been tortured. However, although all detainees are registered, the security service could not trace these people.[98] Local NGOs also visited police stations if detainees were reportedly held too long in pretrial detention.

89 Ibid.
90 Confidential source.
91 Law no.26/2013 of 10/05/2013.
92 Igihe.com, *DASSO: Un nouvel organe de sécurité aux ordres du Maire de District*, 7 November 2013.
93 The majority of the Rwandan population live in small villages on the '*mille collines*' (thousand hills). Collines is an informal term which the Rwandans use to refer to the rural areas. Formally, each administrative district has a DASSO coordinator who supervises the DASSO officers in the *secteurs* and *cellules* of the district.
94 Confidential source.
95 US Department of State, *Country Report on Human Rights Practices 2015 - Rwanda*, 13 April 2016.
96 Ibid.
97 Representatives of NGOs do take these testimonies seriously, but also take into account the possibility that these people are lying, for example, to pass themselves off as political opponents in order to support their asylum claims.
98 Confidential source.

Generally, the responsible officers were either dismissed or fined.[99] Formally, victims of torture or abuse may lodge a complaint with the body by which they have been abused, the Ombudsman or the National Commission for Human Rights (NCHR).[100]

Officially, there are no organisations in Rwanda assisting victims of torture. Organisations using such terminology would not get the (political) approval of the Joint Action and Development Forums (JADFs).[101] This is because the Rwandan government assumes torture does not occur in Rwanda.[102] There are, however, NGOs that unofficially offer psychosocial and legal assistance to a small number[103] of 'victims of violence'.[104] As a result of the government's denial of the existence of torture in Rwanda, access to possible victims in *cachots* (local detention centres) and prisons is limited, also for the International Rehabilitation Council for Torture Victims (IRCT),[105] which makes it difficult to assess the actual number of victims.

The IRCT does have access to and possibilities to treat people who were tortured during the genocide. [106] The IRCT also organizes workshops on the Istanbul Protocol.[107] Institutions such as the Legal Aid Forum, the Rwanda Bar Association and the National Commission for Human Rights are trained in effectively investigating cases of 'violence'. In October 2014, the IRCT organised a regional conference on the rehabilitation of victims of violence, which was also attended by representatives of the Rwandan government. The Istanbul Protocol has now been ratified by Rwanda. If a case or allegation of torture needs to be investigated, the physician to conduct the investigation is assigned by a court of law. Independent evidence from other physicians (e.g. from the USA) is not admitted in legal proceedings. Moreover, according to one source, the quality of the medical examinations does not meet international standards. Other (non-medical) investigations into torture are conducted by the police, which consequently lead to conflicts of interest.[108]

1.3 Disappearances

As regards disappearances, the situation has somewhat improved since the previous country report on Rwanda. Whereas, initially, the number of people disappearing gradually decreased from November 2011, this number went up again after 2014. There were no reports of politically motivated disappearances in 2015.[109] A prominent member of FDU-Inkingi party disappeared in March 2016.[110]

Reportedly, there were instances of forced disappearances in secret detention centres at the hands of Rwanda's military intelligence between March 2010 and June 2012.[111] There were fewer reports of disappearances and politically motivated abductions in 2012 than in previous years, but local human rights organisations ceased investigating disappearances during the year after reporting pressure from

[99] Ibid.
[100] Ibid.
[101] The Joint Action Development Forums were established in 2007 to provide a platform for public-private cooperation at the district level, exchange of information and experience, and joint development planning.
[102] According to one source, there is no systematic torture in Rwanda, nor is torture used to extract confessions. Sometimes people were found to have been tortured in police stations, but torture is not used in a systematic way. Confidential source.
[103] This involved fewer than ten victims in the reporting period.
[104] See for instance http://www.aramarwanda.org/.
[105] The IRCT in Rwanda receives funding from the EU. See http://www.irct.org/.
[106] Confidential source.
[107] For the Istanbul Protocol, see http://www.ohchr.org/Documents/Publications/training8Rev1en.pdf.
[108] Confidential source.
[109] US Department of State, *Country Report on Human Rights Practices 2015 - Rwanda*, 13 April 2016.
[110] Confidential source.
[111] Freedom House, *Freedom in the World 2013 - Rwanda*, January 2013. US Department of State, *Country Report on Human Rights Practices 2012 - Rwanda*, 19 April 2013.

government officials, including threats and allegations of treason.[112] According to HRW and local observers, the intelligence services of the RDF J-2, NISS and RNP orchestrated disappearances with impunity in 2012.[113] These allegations were also reported in 2013. The government occasionally made efforts to investigate occurrences but did not punish any perpetrators. Leaders of the unregistered faction of opposition party PS-Imberakuri and the unregistered United Democratic Forces-Inkingi (FDU-Inkingi) alleged that party members disappeared during 2013 and that the RNP failed to investigate the disappearances.[114] Pascal Manirakiza, a Rwandan asylum seeker in Uganda, was found unconscious a few days after his abduction in Kampala, the capital of Uganda. Innocent Kalisa, who had also disappeared, was still missing by the end of December 2013.[115]

There were more reports of disappearances and politically motived abductions in 2014 than in previous years. HRW and local observers accused the state security forces, including the RDF, NISS and RNP, of having been involved in these disappearances.[116] Some reappeared after prolonged incommunicado detention, but others remain unaccounted for.[117] In some cases people were reported missing who, according to the authorities, had joined the rebels (FDLR), but this is difficult to verify.[118] According to one source, some of the people who disappeared are Rwandans who have been convicted in absentia by a Gacaca court (see 2.3.1). Some went to Uganda, others to Kigali. According to one source, these people fled when they were discovered, and were subsequently reported missing.[119]

Local observers reported that approximately one hundred people disappeared in the districts Musanze and Rubavu - in the border area between Rwanda and the DRC - in the period from March to September 2014, during an extensive security operation by the RDF and RNP. The SSF reportedly detained individuals incommunicado without access to legal representation for up to two months. The SSF released numerous individuals without charge; however, the government charged 77 individuals with crimes against state security, including for collaborating with the FDLR. Of those 77 individuals, judges ordered the release of 33, while upholding charges against 44, who were tried at the end of 2014.[120] According to sources, the suspects were given a normal trial. They had access to legal representation, the statutory pretrial time limits were observed, and observers were allowed to attend the proceedings.[121] At the end of 2014 the whereabouts of at least 150 individuals reported missing during the March to September security operation remained unknown. The government noted the majority of persons reported to be missing by human rights organisations had not been reported to the police by family or community members.[122] The government also stated that police had opened investigations for all individuals reported to be missing by families or human rights organisations, but that no perpetrators were identified or punished.[123]

[112] US Department of State, *Country Report on Human Rights Practices 2012 - Rwanda*, 19 April 2013. US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015.
[113] Ibid. Amnesty International, *The State of the World's Human Rights - Rwanda*, 23 May 2013.
[114] US Department of State, *Country Report on Human Rights Practices 2013 - Rwanda*, 27 February 2014.
[115] Freedom House, *Freedom in the World 2014 - Rwanda*, 23 January 2014.
[116] Freedom House, *Freedom in the World 2015 - Rwanda*, 28 January 2015.
[117] In most cases, the people who disappeared are held in detention, according to one source. The families of detainees are apparently not always informed about the detention by the police. In a few cases the family first went to the police before they reported one of their family members missing to the NHRC. Human Rights Watch, *World Report 2015 - Rwanda*, 29 January 2015. Confidential source.
[118] Confidential source.
[119] People who are convicted in absentia are entitled to lodge an appeal, in which case they are first brought to an ingando camp (re-education camp). Confidential source.
[120] US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015.
[121] Confidential sources.
[122] US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015.
[123] Ibid.

Aside from the disappearances during the security operation, two individual cases drew attention in 2014.

Cassien Ntamuhanga, the director of the faith-based radio station Amazing Grace, disappeared on 7 April 2014. According to sources, members of the intelligence had interrogated him several times in the weeks before his disappearance to obtain information about a fellow journalist who had fled from Rwanda years earlier and now supports an opposition internet radio station.[124] Ntamuhanga turned up in court a week after he disappeared.[125]

The Democratic Green Party of Rwanda (DGPR), which had been granted official registration in August 2013, called for an investigation to establish the whereabouts of a leading party member, Jean Damascène Munyeshyaka, who was last seen on 27 June 2014 in Nyamata, in the Bugesera district.[126] Police investigated the disappearance but reported no credible leads.[127]

Illuminée Iragena, a prominent member of the FDU-Inkingi party disappeared in March 2016. She reportedly helped Victoire Ingabire to smuggle the manuscript of her book out of prison.[128]

1.4 Extrajudicial Executions and Murders

As regards murders and extrajudicial executions, the situation has generally improved since the previous country report on Rwanda, although the allegations of murder increased again in 2014. There were no reports of extrajudicial executions and murders in 2015.[129]

A Rwandan source reported extrajudicial executions in military camps during the period 2007-2008. As far as known, this kind of human rights violations has not occurred since 2008. However, there were several attacks on critics of Kagame's regime, of which some prominent members fled abroad after having fallen into disgrace. The Rwandan government has always denied any involvement in any attempts to murder political opponents abroad.[130] There were several reports that the government had committed arbitrary murders in 2014.[131] According to one source, a number of murders in Rwanda had been 'stage-managed', including the murder of well-known and wealthy businessman Assinapol Rwigara in Kigali in 2015, who reportedly maintained ties with the Rwanda National Congress (RNC).[132]

[124] RSF, *Rwanda - Radio station manager missing since genocide anniversary event*, 9 April 2014.

[125] Ntamuhanga was charged in court, along with three others, with endangering state security, complicity in terrorism, and treason. They were accused of working with the opposition party, Rwanda National Congress, and FDLR to plot the overthrow of the government. Committee to Protect Journalists, *Legacy of Rwanda genocide includes media restrictions, self-censorship*, 8 December 2014.

[126] Amnesty International*, Annual Report 2014/15 - Rwanda*, 25 February 2015.

[127] US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015.

[128] At the end of the reporting period, there was still no news about her. FDU-Inkingi and her family assume that she is being held by military intelligence. Police stated they have evidence that she is in Burundi. fdu-rwanda.com, *Madame Illuminée Iragena serait dans un état critique dans le camps de torture de Kami*, 29 April 2016. Confidential source.

[129] US Department of State, *Country Report on Human Rights Practices 2015 - Rwanda*, 13 April 2016.

[130] BBC News, *Patrick Karegeya: Rwanda exile 'murdered' in Johannesburg*, 2 January 2014. Amnesty International, *Annual Report 2014/15 - Rwanda*, 25 February 2015.

[131] US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015.

[132] By 'stage-managed' is meant that those who planned and committed such a murder tried to make it look like a fatal accident. The East African, *Family of deceased tycoon Assinapol Rwigara petitions President Kagame*, 14 March 2015. The family of Rwigara stated that government officials had threatened them with prosecution after they publicly claimed that SSF killed Rwigara. US Department of State, *Country Report on Human Rights Practices 2015 - Rwanda*, 13 April 2016. Confidential sources.

Below are a few well-known examples of attacks and murders committed in the period 2010-2016.

On 19 June 2010, Lieutenant-General Faustin Kayumba Nyamwasa, former chief of staff of the Rwandan army who had become and an outspoken critic of President Kagame, was shot and seriously wounded by an unknown assailant. Kayumba had fled to South Africa in February 2010.[133] In August 2014, a South African court sentenced four men, two Rwandans and two Tanzanians, to eight years' imprisonment for this attempted murder of General Kayumba. The judge concluded that the crime had been politically motivated.[134]
The judge was cited in media reports as saying that the main culprits for the attempted assassination remained at large.[135]

In November 2011, Charles Ingabire, editor of the Uganda-based online publication *Inyenyeri News* and an outspoken critic of the Kagame regime who had fled Rwanda in 2007 due to threats, was shot dead in Uganda.[136] Ugandan police stated they were investigating the case, but no one was prosecuted for Ingabire's murder.[137]

On 18 July 2013, the body of Gustave Makonene, coordinator of Transparency International (TI), a legal advice centre in Rubavu, north-western Rwanda, was found just off a road along the shore of Lake Kivu. A medical report indicated he had been strangled. As part of his work for Transparency International, Makenna had handled allegations of corruption, some of which reportedly involved members of the police, and mineral smuggling from the DRC into Rwanda.[138] In early 2015, two police officers were jailed for 20 years for murdering Makenna.[139]

On 1 January 2014, Patrick Karegeya, former head of Rwanda's external intelligence services,[140] was found murdered in a hotel room in Johannesburg. Karegeya was a leading member of the Rwanda National Congress (RNC), an opposition group in exile.[141] The former Rwandan intelligence chief was advising South African and Tanzanian intelligence as they prepared to send troops to the Democratic Republic of Congo to battle the Rwandan-backed rebel group M23. Colonel Karegeya – who seemed to have put up quite fight against his attackers – was found hanged by a rope.[142] Investigations into his killing were carried out; however, the perpetrators were not identified. Public statements following his death by the Rwandan authorities, including President Kagame, sought to justify the killing of people who were traitors to the country.[143] The Rwandan government did not investigate reports that the SSF was responsible for Karegeya's death.

[133] See the 2011 country report on Rwanda.
[134] Human Rights Watch, *World Report 2015 - Rwanda*, 29 January 2015. UK Foreign and Commonwealth Office, *Human Rights and Democracy Report 2014 – Rwanda*, 12 March 2015.
[135] Amnesty International, *Annual Report 2014/15 - Rwanda*, 25 February 2015.
[136] Freedom House, *Freedom in the World 2013 - Rwanda*, January 2013.
[137] Human Rights Watch, *World Report 2013 - Rwanda*, 31 January 2013.
[138] Human Rights Watch, *Rwanda: Investigate Anti-Corruption Campaigner's Murder*, 22 January 2014.
[139] BBC News, *Rwandan policemen jailed for murdering Transparency activist*, 23 January 2015. Human Rights Watch, *World Report 2015 - Rwanda*, 29 January 2015. US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015.
[140] External Intelligence (RDF).
[141] Karegeya and General Nyamwasa were among four exiled former top army officials for whom the Rwanda government had issued international arrest warrants in 2011. A military court had earlier sentenced them to long jail terms in absentia for threatening state security and promoting ethnic divisions. Both men were part of Mr Kagame's rebel forces which came to power in 1994. BBC News, *Patrick Karegeya: Rwanda exile 'murdered' in Johannesburg*, 2 January 2014. Human Rights Watch, World Report 2015 - Rwanda, 29 January 2015. UK Foreign and Commonwealth Office, Human Rights and Democracy Report 2014 – Rwanda, 12 March 2015.
[142] BBC News, *Patrick Karegeya: Rwanda exile 'murdered' in Johannesburg*, 2 January 2014.
[143] According to David Batenga, Karegeya's nephew, President Kagame had said that people like Karegeya are like flies, and if it requires him to use a hammer to kill a fly, he will do it. BBC News, *Patrick Karegeya: Mysterious death of a Rwandan exile*, 26 March 2014. Amnesty International, *Annual Report 2014/15 - Rwanda*, 25 February 2015.

The South African government expelled four Rwandan diplomats, and one from Burundi, in May 2014 in connection with Karegeya's killing and an attack on the home of another prominent Rwandan government critic in March 2014.[144]

On 17 May 2014, Alfred Nsengimana, the former executive secretary of the Cyuve sector in the Musanze district, was shot and killed while in police custody. Nsengimana was among at least 77 people arrested in Musanze and Rubavu districts from January to May 2014 for suspected links to the Democratic Forces for the Liberation of Rwanda (FDLR). Police stated that a Rwanda Correctional Services (RCS) guard shot Nsengimana while trying to escape after leading police to an FDLR weapons cache.[145]

During a speech on 5 June 2014, President Kagame stated that the authorities would continue to arrest more suspects and shoot those who intend to destabilise the country.[146]

From July to October 2014, a number of corpses appeared in Lake Rweru, which is bisected by the border between Rwanda and Burundi. Four bodies were recovered and buried near Kwidagaza village in Burundi's Muyinga Province. Both Rwanda and Burundi called for a joint investigation into the identity and origin of the bodies. On 16 December 2014, Burundi's minister of foreign affairs accepted an offer of forensic assistance from a group of countries through an international NGO. Since the outbreak of unrest in Burundi in 2015, the cooperation between Burundi and Rwanda in this area has completely stagnated.[147]

On 25 February 2015, Rwanda National Police (RNP) shot and killed Dr Emmanuel Gasakure – the personal physician to the president – while he was in custody at the Remera Police Station.[148]

1.5 Political Parties

Paul Kagame's Rwandan Patriotic Front (RPF), which ended the genocide in Rwanda in 1994,[149] is still the dominant party in Rwanda.[150] The Constitution outlines a multi-party system but provides few rights for parties and their candidates.[151] To register as a political party, an organisation must present a list of at least 200 members, with at least five members in each of the 30 districts, and it must reserve

[144] US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015.

[145] Nsengimana was allegedly tortured prior to his death, and police reportedly refused to release Nsengimana's body to his family. The government responded that Nsengimana's body was turned over to his family for burial, and that an internal investigation found he was not tortured. US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015.

[146] Human Rights Watch, *World Report 2015 - Rwanda*, 29 January 2015. US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015.

[147] Rwanda welcomed the offer of forensic assistance and was willing to cooperate with an investigation into the deaths of the people whose bodies had been found in Lake Rweru, but first wanted to be contacted directly by Burundi with a request for cooperation. According to observers, Rwanda preferred to resolve the issue in cooperation with Burundi. Confidential sources. US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015.

[148] US Department of State, *Country Report on Human Rights Practices 2015 - Rwanda*, 13 April 2016.

[149] See http://www.hrw.org/reports/1999/rwanda/Geno15-8-03.htm.

[150] There were some reports in 2013 that the RPF pressured youth into joining the party during mandatory 'ingando' civic and military training camps held after secondary school graduation. There were also reports the RPF cadres coerced political donations from both party members and non-members. US Department of State, *Country Report on Human Rights Practices 2013 - Rwanda*, 27 February 2014. US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015.

[151] In practice, unlike the other parties, the RPF is represented in almost every part of the country. US Department of State, *Country Report on Human Rights Practices 2013 - Rwanda*, 27 February 2014. US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015. Confidential source.

at least 30 percent of its leadership positions for women and provide a written party statute signed by a notary.[152]

The Democratic Green Party of Rwanda (DGPR) was registered officially as a political party on 9 August 2013, after the government blocked previous attempts to register it in 2009 and 2010.[153] Authorities granted the registration one working day before candidate lists for the September 2013 parliamentary elections were due. As a result, the DGPR was unable to register candidates for the election.[154]

Party leaders for the unregistered Democratic Pact of the Imanzi People (PDP-Imanzi) and a splinter party, the People's Democratic Alliance (PDA), continued to seek permission to hold a founding party congress following the cancellation of the PDP-Imanzi congress in the Gasabo district in November 2013.[155] The Ministry of Local Government and local officials continued to deny PDP-Imanzi and PDA permission to hold such meetings.[156]

Some parties were not able to operate freely, and parties and candidates faced legal sanctions if found guilty of engaging in divisive acts, destabilizing national unity, threatening territorial integrity, or undermining national security.[157] In 2013 and 2014, opposition leaders reported police arbitrarily arrested some members of the DGPR and the unregistered PS-Imberakuri (Bernard Ntaganda faction), FDU-Inkingi and PDP-Imanzi parties. Party members reported receiving threats because of their affiliation with those parties.[158]

National Consultative Forum
In 2014, the government no longer required but strongly encouraged all registered political parties to join the National Consultative Forum for Political Organisations (NCFPO), which sought to promote consensus among political parties, and required member parties to support publicly policy positions developed through dialogue. At the end of 2014 all registered parties were members of the NCFPO. Government officials praised the NCFPO for promoting political unity, while critics argued it stifled political competition and public debate. [159] In accordance with the Constitution, which states a majority party in the Chamber of Deputies may not fill more than 50 percent of cabinet positions, independents and members of other political parties allied with the RPF held key positions in government, including that of prime minister. PS-Imberakuri and the DGPR were not represented in the cabinet in 2014.[160]

Green Party
Leaders of the Democratic Green Party of Rwanda (DGPR) reported the party was permitted to publish policy proposals as alternatives to RPF policy and hold small meetings with party supporters in 2014. Local officials, however, often threatened

[152] Ibid.
[153] This registration was allowed after years of pressure from the international community. Confidential source.
[154] US Department of State, *Country Report on Human Rights Practices 2013 - Rwanda*, 27 February 2014.
[155] In November 2013, the mayor of the Gasabo district cancelled the founding party congress of the Democratic Pact of the Imanzi People (PDP-Imanzi), stating that he could not permit the party to organise a meeting while its president was incarcerated. PDP-Imanzi leaders reported that party members were arrested and harassed after the congress was cancelled. US Department of State, *Country Report on Human Rights Practices 2013 - Rwanda*, 27 February 2014.
[156] US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015.
[157] US Department of State, *Country Report on Human Rights Practices 2013 - Rwanda*, 27 February 2014. US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015.
[158] Ibid.
[159] Ibid.
[160] US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015.

DGPR members with dismissal from employment or the withholding of state services unless they left the party.[161]

In 2010 DGPR Vice-president Andre Kagwa Rwisereka was killed. The perpetrators had still not been identified by the end of 2013.[162] On 27 June 2014, the organising secretary for DGPR, Jean Damascene Munyeshyaka, disappeared after meeting with an unknown individual in Nyamata town, Bugesera District.[163] The Green Party was the only party that opposed amending the Constitution to enable President Kagame to serve a third term. As a matter of fact, it requested that the term in office of the president be shortened from seven years to four years. In June 2015, the party filed a lawsuit demanding Rwanda's Supreme Court to halt any amendment, but the party was unable to get legal representation.[164] The party was given until 29 July to find a lawyer to take on the case.[165] On 9 September 2015, the Supreme Court declared itself competent to rule on all matters relating to the Constitution.[166] On 8 October 2015, the Supreme Court ruled that the Constitution may be amended.[167]

PS-Imberakuri
There are currently three parties that call themselves PS-Imberakuri: the registered PS-Imberakuri, Bernard Ntaganda's unregistered PS-Imberakuri, and an opposition group abroad that claims to represent PS-Imberakuri. Bernard Ntaganda, the founder of the PS-Imberakuri party, was sentenced to four years in prison in 2011 for publicly criticising the government, endangering state security and divisionism. In April 2012 the sentence was upheld by the High Court.[168] Bernard Ntaganda was released on 4 June 2014. Ntaganda alleged authorities beat him and denied medical care during his time in prison.[169] Several other PS-Imberakuri members were threatened, intimidated, and interrogated by the police about their political activities. On 5 September 2012, Alexis Bakunzibake, the party's vice president, was abducted by armed men, blindfolded, and detained overnight in a location he could not identify. His abductors questioned him about his party and tried to persuade him to abandon his party activities. They then dumped him across the border in Uganda.[170]

FDU-Inkingi
The trial of Victoire Ingabire, president of the FDU-Inkingi party, began in September 2011. She was charged with six offences, three of which were linked to 'terrorist acts', among which conspiring with a terrorist organisation. The three other (alleged) offences – 'genocide ideology', 'divisionism', and spreading rumours intended to incite the public to rise up against the state – were linked to her public criticism of the government. On 30 October 2012, she was found guilty of treason and threatening state security by means of terrorism and armed attacks on the

[161] Ibid.
[162] US Department of State, *Country Report on Human Rights Practices 2013 - Rwanda*, 27 February 2014.
[163] Police investigated the disappearance but reported no credible leads. US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015. US Department of State, *Country Report on Human Rights Practices 2015 - Rwanda*, 13 April 2016.
[164] It is difficult to find members of the Bar Association who are willing to take on a case against the government. Confidential source.
[165] BBC News, *Rwanda MPs back scrapping presidential term limits*, 14 July 2015.
[166] This creates an interesting precedent in Rwanda because there are no constitutional or legal provisions as to which judiciary body is competent to rule on constitutional matters. Confidential source.
[167] The New Times, *Rwanda: Supreme Court Rules Against Green Party Constitutional Amendment Petition*, 8 October 2015.
[168] Human Rights Watch, *World Report 2013 - Rwanda*, 31 January 2013.
[169] Amnesty International, *Annual Report 2014/15 - Rwanda*, 25 February 2015. US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015.
[170] Human Rights Watch, *World Report 2013 - Rwanda*, 31 January 2013.

basis of Article 462 of Organic Law No 01 of 2 May 2012. She was also found guilty of belittling genocide. In total she was sentenced to eight years in prison.[171]

On appeal, the Supreme Court increased the sentence to fifteen years. In Rwanda, Victoire Ingabire has exhausted all legal means. She has now brought the matter before the African Court on Human and Peoples' Rights in Arusha, Tanzania. The decision of this Court is not binding, but may put pressure on Rwanda to reduce Ingabire's sentence.[172] Until March 2016, Victoire Ingabire served her sentence in de facto isolation in an accommodation specially created for her in the Central '1930' Prison in Kigali.[173] She is now accommodated in the regular women's wing of that same prison. According to some observers, some of the statements for which she was convicted are not punishable.[174]

In September 2012, eight FDU-Inkingi members were arrested in Kibuye and accused of holding illegal meetings. They were charged with inciting insurrection or public disorder and held in preventive detention. Also in September, Sylvain Sibomana, secretary-general of the FDU-Inkingi, and Martin Ntavuka, FDU-Inkingi representative for Kigali, were detained overnight by police near Gitarama after they made critical comments about government policies during an informal conversation on a bus. They were released without charge. [175] In November 2013, the court in the Nyarugunga district sentenced Sylvain Sibomana and Dominique Shyirambere to two years' and five months' imprisonment respectively, each with a fine of RWF 1 million (EUR 1,250),[176] for organising an illegal demonstration in Rutsiro and wearing badges with a photograph of opposition leader Victoire Ingabire.[177] Six members of FDU-Inkingi were released on 5 September 2014 after serving a two-year sentence for attending the same meeting in Rutsiro.[178] See also Section 1.3 on Illuminée Iragena's disappearance.

1.6 Opposition Abroad

According to a source, the situation as regards political freedom has not really changed since 2011.[179] Outspoken and active opposition against the government is non-existent or very limited in Rwanda.[180] Opponents could be accused of divisionism and be sentenced to long jail terms. Many saw themselves forced to go abroad.[181] But even abroad people considered particularly harmful to the regime were not always safe.[182] Sources report that critics of the government who are Tutsi are at risk of being perceived as traitors, particularly those who are former members of the government, such as those in exile. Similarly, Human Rights Watch notes that former RPF officials who have turned against President Kagame and become opponents in exile have particularly been targets of attacks and threats.[183]

[171] Human Rights Watch, *World Report 2013 - Rwanda*, 31 January 2013.
[172] Confidential source.
[173] Victoire Ingabire resided in an apartment on the prison site. The apartment had a living room, bedroom and bathroom. Confidential source.
[174] BBC News, *Victoire Ingabire: Rwanda leader's jail term raised*, 13 December 2013. Amnesty International, *Annual Report 2014/15 - Rwanda*, 25 February 2015.
[175] Human Rights Watch, *World Report 2013 - Rwanda*, 31 January 2013.
[176] www.oanda.com consulted on 24 September 2015.
[177] US Department of State, *Country Report on Human Rights Practices 2013 - Rwanda*, 27 February 2014.
[178] Amnesty International, *Annual Report 2014/15 - Rwanda*, 25 February 2015.
[179] Including the freedom of expression and freedom of assembly and association.
[180] Confidential source.
[181] Real or alleged opponents of the government may be arrested, given long-term house arrest, or forced into exile. US Department of State, *Country Report on Human Rights Practices 2012 - Rwanda*, 19 April 2013. *Bertelsmann Stiftung's Transformation Index, Rwanda 2014*, 12 February 2014.
[182] *Bertelsmann Stiftung's Transformation Index, Rwanda 2014*, 12 February 2014.
[183] IRB, *Rwanda: Reports of ill-treatment of members of the Tutsi ethnic group, in particular genocide survivors and perceived or actual government opponents*, 14 October 2014.

According to Freedom House, exiled opposition critics of the Rwandan government were increasingly threatened, attacked, forcibly disappeared, or even killed in 2014.[184] As the law prohibits forced exile,[185] the Rwandan authorities are trying to prevent exile.[186] On 14 May 2012, the government cancelled the passports of 25 political opponents and their family members residing outside of the country. According to the Southern Africa Litigation Centre, the move rendered the 25 persons stateless.[187] There were no reports during the following years that the government cancelled the passports of political opponents residing outside of the country.[188]

Rwandan National Congress

The Rwandan National Congress (RNC), which was established in 2010, is an opposition group in exile. The RNC is comprised of former members of government, former army officers and other opposition members.[189] The RNC states that the organisation is not a political party but an umbrella, broad-based organisation for all Rwandans to exert pressure and advocate for democratic change through peaceful means.[190] Sources indicate that elections were held within the South African chapter of the RNC; Frank Ntwali was elected chair, Etienne Mubazi vice-chair,[191] and Kennedy Gihana secretary-general.[192] On 19 June 2010, Lieutenant-General Faustin Kayumba Nyamwasa, former chief of staff of the Rwandan army and one of the founders of the RNC, was shot and seriously wounded by an unknown assailant.[193] On 1 January 2014, Colonel Patrick Karegeya, another founder of the RNC, was found murdered in a hotel room in Johannesburg.[194] The RNC named at least 11 other dissidents who have been killed in countries including Rwanda, Kenya, Uganda,[195] Cameroon and Belgium.[196]

[184] Ibid.

[185] A rather peculiar prohibition as exile is almost by definition forced.

[186] The new penal code allows judges to deprive convicted defendants of the right to go abroad as a standalone or post-imprisonment punishment. Authorities denied or confiscated passports of political opponents and their relatives. For example, at the end of 2012, the government still had not issued a passport to former political prisoner Charles Ntakirutinka, who was released from prison in March 2012 and filed a passport application shortly thereafter. US Department of State, *Country Report on Human Rights Practices 2012 - Rwanda*, 19 April 2013.

[187] US Department of State, *Country Report on Human Rights Practices 2012 - Rwanda*, 19 April 2013.

[188] US Department of State, *Country Report on Human Rights Practices 2013 - Rwanda*, 27 February 2014.

[189] Confidential source.

[190] http://www.refworld.org/docid/543b89e14.html.

[191] According to the Rwandan government, Etienne Mubazi is a genocide suspect.

[192] AllAfrica, *Rwanda: Inside the Rwanda National Congress*, 6 January 2014. See also The Rwandan, *The Chairman of Rwanda National Congress in Africa Mr Frank Ntwali survived an assassination attempt*, 23 August 2012.

[193] See 2011 Country Report on Rwanda. On 5 March 2014, armed men were said to have raided the home of General Nyamwasa, apparently to kill him. After the incident, South Africa expelled three Rwandan diplomats who were suspected of having been involved in the attack. Rwanda responded by ordering out six South African envoys. BBC News, *South Africa expels Rwanda diplomats*, 7 March 2014. IRB, *Rwanda: treatment of RNC members by the government*, 26 March 2014.

[194] Karegeya and General Nyamwasa were among four exiled former top army officials for whom the Rwanda government had issued international arrest warrants in 2011. A military court had earlier sentenced them to long jail terms in absentia for threatening state security and promoting ethnic divisions. Both men were part of Mr Kagame's rebel forces which came to power in 1994. BBC News, *Patrick Karegeya: Rwanda exile 'murdered' in Johannesburg*, 2 January 2014. Human Rights Watch, *World Report 2015 - Rwanda*, 29 January 2015. UK Foreign and Commonwealth Office, *Human Rights and Democracy Report 2014 – Rwanda*, 12 March 2015.

[195] According to several sources, was shot dead in Kampala, Uganda, on 30 November 2011. According to Human Rights Watch, Ingabire had joined the RNC, although he was not a 'prominent' member. For more information about the RNC, please refer to Response RWA104829 at www.ecoi.net. IRB, *Rwanda: treatment of RNC members by the government*, 26 March 2014.

[196] Bloomberg, *Rwanda Opposition Party Urges South Africa to Protect Dissidents*, 3 January 2014. IRB, *Rwanda: treatment of RNC members by the government*, 26 March 2014.

FDLR

The Democratic Forces for the Liberation of Rwanda (FDLR), active in the east of the DRC, consist of four armed groups: the FDLR/FOCA, FDLR/RUD, FDLR/SOKI and, since early June 2016, the National Council for Renewal and Democracy.[197]

The soldiers are young Rwandans who were children during the genocide or were born after 1994, and young Congolese.
All officers are Rwandans, most of them come from the ex-FAR, the Rwandan army from before 1994. The FDLR is responsible for numerous human rights violations in the DRC and also committed attacks in Rwanda.
According to MONUSCO,[198] some ten FDLR soldiers and civilians are sought by Rwanda for participating in the genocide. The FDLR/FOCA also has a political wing that entered into a covenant with other parties, including those of the former Rwandan Prime Minister Faustin Twagiramungu, in January 2014. On 1 June 2014, the United Nations called for the complete surrender of the FDLR. On 9 June 2014, the FDLR requested a delegation from the Southern African Development Community (SADC) visiting Kanyabayonga in North Kivu, to help them establish an open dialogue with the Rwandan government. However, the Rwandan government refuses to negotiate with the FDLR, which it considers to be a terrorist group (as do the Rwandan NGOs).[199] The FDLR was given until 2 January 2015 to voluntarily lay down their arms, but did not comply with this deadline. On 29 January 2015, the Congolese army announced Operation Sukola II to take out the FDLR ('sukola' means 'clean-up' in the Lingala language).[200] The FDLR combatants are strategically settled in mountainous terrain in North and South Kivu, which they know much better than the Congolese army.[201] On 28 September 2015, a court in Stuttgart, Germany, convicted Ignace Murwanashyaka and Straton Musoni, the president and vice-president of the FDLR, and sentenced them to thirteen and eight years in prison respectively for war crimes in in eastern Congo and leading a terrorist organisation.[202]

[197] RFI, *RDC-Rwanda: scission au sein des FDLR*, 3 June 2016.
[198] Mission de l'Organisation des Nations Unies en République démocratique du Congo.
[199] For more detailed information on the FDLR, see the country reports on DRC of December 2014 and July 2016. Confidential source. See also BBC News, *Will FDLR rebels ever leave Congo and return to Rwanda?* 11 February 2014.
[200] Confidential source.
[201] Ibid.
[202] HRW, *DR Congo: German Court Convicts 2 Rwandan Rebel Leaders*, 28 September 2015.

2 Judicial Process

2.1 General Developments

The Constitution provides for an independent judiciary, and the judiciary operated in most cases without government interference. However, in some cases government officials attempted to influence individual cases. Authorities generally respected court orders.[203] Mechanisms exist for citizens to file lawsuits in civil matters, including for violations of human rights. They can appeal to the East African Court of Justice.[204] Initially, citizens could also appeal to the African Court on Human and Peoples' Rights, but the Rwandan government withdrew its declaration recognising the jurisdiction of this court in March 2016.[205]

During the reporting period, the High Court was expanded with the International Chamber, so that it now has six chambers.[206] Below the High Court is the Intermediate Court, and below that the Primary Court. In mid-2015, Rwanda had sixty Primary Courts, twelve Intermediate Courts, a *High Court* and a *Supreme Court*. In addition, there are commercial courts, the commercial Intermediate Courts and the commercial High Court. There is also a Disciplinary Court.[207]

In the period 2011-2015, the government made strides towards eliminating the judicial backlog and reducing the average length of pretrial detention.[208] The growth in case backlog was especially strong at the Supreme Court.[209] A government task force of representatives from the police, the Public Prosecution Service and other government agencies visited prisons and checked records to retrieve the registration dates of detainees and remedy illegalities.[210] In the period 2011-2015, court decisions took six to eighteen months.[211]

2.1.1 Presumption of Innocence

The law provides for the presumption of innocence. The law requires that defendants be informed promptly and in detail of the charges in a language they comprehend. However, judges postponed numerous hearings because this requirement was not observed.[212] The law requires that defendants have adequate time and facilities to prepare their defence, and judges routinely granted requests to extend preparation time. Defendants have the right to be present at trial, examine witnesses against them (or to have them examined), and present witnesses and evidence on their own behalf.[213] By law defendants may not be compelled to testify

[203] US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015.

[204] US Department of State*, Country Report on Human Rights Practices 2012 - Rwanda*, 19 April 2013. US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015.

[205] According to the Minister of Justice the reason for this withdrawal was that a convicted genocide suspect tried to bring a case before the Court. Rwanda made the withdrawal shortly before the first hearing in the case Victoire Ingabire had brought before the Court. In said case, the Court ruled on 3 June 2016 that the withdrawal would take effect from 1 March 2017, one year after date of the deposit of the withdrawal instrument at the African Union Commission, and that current cases should be dealt with in the meantime. Confidential source. See also http://en.african-court.org/.

[206] Full title: Specialised Chamber for International Crimes at the High Court.

[207] Confidential source.

[208] At the end of 2012 there were 1,704 criminal cases and 1,123 civil cases pending in the regular courts, compared to 8,119 criminal cases and 11,264 civil cases in June 2011. US Department of State, *Country Report on Human Rights Practices 2012 - Rwanda*, 19 April 2013. US Department of State, *Country Report on Human Rights Practices 2013 - Rwanda*, 27 February 2014. US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015.

[209] Confidential source.

[210] Ibid.

[211] Ibid.

[212] US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015.

[213] Sources indicated that this does not entirely meet the requirements for a fair trial, as this implies that a suspect must engage legal representation. In practice, the cost - 500,000 RWF (€625) – will be an obstacle for many

or confess guilt. However, there were many reports that the State Security Forces (SSF) coerced suspects into confessing guilt and that judges accepted these confessions despite defendants' protests. The law provides for the right to appeal, and this provision was respected.[214]

There were a number of cases that drew the attention of international observers in the reporting period. Two of these cases are highlighted below.

Victoire Ingabire, President of the United Democratic Forces (FDU-Inkingi), was sentenced to eight years in prison on 30 October 2012.[215] In the build-up to the trial, official statements were made by the Rwandan authorities which posed problems in relation to Victoire Ingabire's presumption of innocence. Certain charges were based on pieces of broad Rwandan legislation punishing 'genocide ideology' and 'discrimination and sectarianism'. According to some observers, the accused was not treated fairly during the trial and was regularly interrupted and subjected to hostility.[216] A defence witness claimed he had been held in military detention with one of the co-accused and alleged that the individual's confession had been forced.[217] Eventually, the court gave little weight to the testimonies of the co-defendants in its judgment. One observer reported that the judges had carefully weighed the evidence and had taken extenuating circumstances into account.[218]

The trial of Joel Mutabazi and fifteen others ended in October 2014. Joel Mutabazi, a former bodyguard to President Kagame, was convicted of plotting attacks against the government and sentenced to life imprisonment. He announced his intention to appeal the verdict. Many of his co-accused stated in court that they had been tortured and forced to make confessions. However, the court failed to investigate these allegations.[219]

2.2 Judicial Developments

2.2.1 Improvements in the Legal System

The operation of the ordinary legal system has further improved, but it is still permanently overloaded. There are not enough judges and prosecutors. Not all of them are fully qualified.[220]
However, judges, prosecutors and lawyers are better trained than before, and there are new courts, equipped with computers and other modern technology.[221]

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seeking justice. The court fees – which increased by a factor of 10 in 2014 – are also a problem. Confidential source.

214 US Department of State, *Country Report on Human Rights Practices 2012 - Rwanda*, 19 April 2013. US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015.

215 She had returned to Rwanda in January 2010 after 16 years in exile. She had hoped to register FDU-Inkingi prior to the August 2010 presidential elections, before she was first arrested in April 2010. Amnesty International, *The State of the World's Human Rights - Rwanda*, 23 May 2013.

216 Amnesty International, *The State of the World's Human Rights - Rwanda*, 23 May 2013.

217 The co-defendant may have been coerced into incriminating Ingabire while in military detention. Prison authorities searched his cell on the orders of the prosecution and seized his personal documents, including notes he had prepared for his court statement. In court, the prosecution confirmed the search by producing the notes. Human Rights Watch, *World Report 2013 - Rwanda*, 31 January 2013. Amnesty International, *The State of the World's Human Rights - Rwanda*, 23 May 2013.

218 Confidential source.

219 Amnesty International, *Annual Report 2014/15 - Rwanda*, 25 February 2015.

220 *Bertelsmann Stiftung's Transformation Index, Rwanda 2014*, 12 February 2014.

221 The Ministry of Justice sought to improve the quality of justice by training a large number of young judges, for example, through the Institute of Legal Practice and Development (ILPD). According to a source, this led to better judgments. Confidential source.

As a result, the legal system's capacity and efficiency have increased.[222] Whereas until recently a court had as many as forty judges, it now has only six or seven. The reduction in the number of judges is the result of professionalisation and the available budget for case management. All judges are now qualified lawyers and bound by performance contracts that demand that they handle twenty to thirty cases each year. A judge's monthly salary amounts to RWF 500,000 to 600,000 (approximately EUR 600).[223] High Court judges earn twice as much, use official vehicles, and have mobile phones. Sources indicate that lower court judges are subject to corruption.[224] How many judges are involved in corruption is unknown. Any judge found to be corrupt will be dismissed.[225]

Case Law

During the reporting period, Rwanda was implementing a case management system which should lead to a reduction in costs, more efficient proceedings, and increased accessibility for various parties (police, prosecutors, and detainees and their legal representatives).[226] This case management system also includes the use of case law. Judgments of the High Court and Supreme Court are digitised.[227] Each trimester, a special commission publishes a compilation of thirty to fifty judgments of the High Court and Supreme Court, which can be used as leading case law by the courts. In 2013, Rwanda started with the development of a law reporting system, which will enable judges and other players in the judicial system to discuss cases and judgments. This concerns a selection that is not only made for the sake of case law but also to determine a consistent line of conduct.[228]

Access to Justice

In late September 2014 the government formulated a National Legal Aid Policy.[229] The Access to Justice Department of the Ministry of Justice is responsible for the improvement of the rule of law, legal aid policy (access to justice for all), and the Abunzi (local mediation committees).[230] Whereas in the past citizens needed to go to the Ministry of Justice in Kigali to submit their problem, they can now go to Access to Justice Bureaus (MAJ), support offices of the Access to Justice Department at district level.[231] There are in total 30 bureaus throughout the country, each with three staff.[232] They help people who need legal aid to institute legal proceedings or write a letter.[233] There are also other types of legal aid services. Since the reforms, bailiffs have various legal powers to facilitate the execution of court judgments at the 'cell' and district levels, regardless of whether the person seeking legal aid is indigent. MAJ staff operate at the village level, 'cell' level, sector level, district level and provincial level. They also provide notarial services at all these levels (e.g. drawing up title deeds, business documents or contracts).

[222] After the genocide in 1994, the Netherlands supported the development of the justice sector for many years. Furthermore, the Netherlands contributed financially to the reinforcement of the Rwandan justice sector during the period 2014 – 2018. Confidential sources.

[223] Police officers earn EUR 150 a month.

[224] Confidential source.

[225] The New Times, *Judiciary sacks 10 over corruption*, 12 February 2013.

[226] Confidential source.

[227] Ibid.

[228] Confidential source.

[229] The New Times, *Government earmarks Rwf9 billion for legal aid*, 3 November 2014. See also http://www.minijust.gov.rw/fileadmin/Documents/MoJ_Document/Legal_Aid_Policy_-_IMCC_Feedback.pdf.

[230] Courts are mainly charged with grave cases; in practice, the legal system is accessible only to the elite and middle class. *Bertelsmann Stiftung's Transformation Index, Rwanda 2014*, 12 February 2014.

[231] These Access to Justice Bureaus work closely together with NGOs that also provide legal aid and/or advice.

[232] Igihe.com, *Maison d'Accès à la Justice pour conseils aux citoyens*, 9 January 2013. Citizens in the Kigali district may apply directly to the Ministry of Justice.

[233] The three staff members have different responsibilities. One of them is the team coordinator, who is also authorised to represent them before a court of law. The second is a bailiff, specifically responsible for the execution of judgments on behalf of indigent people. The third takes on cases of sexual violence and mediates in such cases.

During the reforms in the justice sector, additional special courts were created, such as commercial and military courts and Abunzi (see below).[234]

Abunzi
To make the legal system more accessible to poor people and the population in the interior of Rwanda, Abunzi or local mediation committees were established in 2004, based on traditional legal practice.[235] This system is used to hear cases which would otherwise have been brought before an ordinary court. The Abunzi committees try to settle civil disputes over small amounts of money.[236] They work with voluntary and elected local community mediators.[237]

The Access to Justice Department is responsible for the training and coordination of the Abunzi.[238] MAJ staff work closely together with NGOs such as the Legal Aid Forum to train paralegals and Abunzi mediators to handle minor civil cases through alternate dispute mechanisms outside of the court system.[239] The Abunzi operate at the 'cell' level. Claimants who have not obtained satisfaction are entitled to bring their cases before an ordinary court and lodge an appeal.[240] According to a source, approximately eighty percent of the Abunzi cases are settled satisfactorily. The aim is to achieve a 95% success rate by 2020.[241]

Abunzi employ both laymen and professionals.[242] The members of the Abunzi committees are not obliged to make decisions on the basis of legislative texts or read laws. They only need to use their common sense, but if they make a decision that is in breach of the law, that decision will be null and void.
It is for this reason that judgments of an Abunzi committee are checked by the president of a primary court.[243]

Abunzi committees used to consist of twelve members, but this number has been reduced to seven after the introduction of a new law. In July 2015, the total membership was 30,768; after the introduction of the new law, this number had dropped to 17,948.[244] Abunzi committees are supported by various organisations, such as the International Rescue Committee (IRC), AJPRODHO[245], RCN Justice &

[234] Confidential source.
[235] Both the Gacaca courts and Abunzi committees are based on traditional forms of justice and dispute resolution. Abunzi committees are not considered real courts of law.
[236] The Abunzi do not have the means and investigative capability to settle civil disputes over amounts that exceed RWF 5 million (EUR 6,250). In some cases they receive assistance from foreign NGOs. Initially, Abunzi also handled criminal cases, but their jurisdiction in this respect was restricted in 2016. Confidential source.
[237] *Bertelsmann Stiftung's Transformation Index, Rwanda 2014*, 12 February 2014.
[238] All Abunzi members take a mandatory general law course - with an emphasis on land and family law – provided by the Access to Justice Unit of the Ministry of Justice to prepare themselves for their tasks.
[239] US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015.
[240] It was laid down by law in 2015 that court fees must be between RWF 25,000 and RWF 35.000 (EUR 31.25 – 43.75). That is beyond the means of many people. The financial threshold for court cases was raised to reduce the caseload of time-consuming and expensive cases. The court fees – which had not been adjusted since 2011 – also needed to be raised to cover the increased operational costs. For many people, the Abunzi is now the first point of contact. In the event of an unworkable situation or if neither party agrees with the proposed solution, a case may be brought before the court. Cases that are outside the jurisdiction of the Abunzi are handled by an Intermediate Court, with the right to appeal to the High Court, and, in cassation, to the Supreme Court. Confidential sources.
[241] Confidential source.
[242] Sources indicate that citizens distrust the Abunzi. People who have no alternative but to bring a matter before an Abunzi committee do not expect to get a fair settlement. Confidential source.
[243] Confidential source.
[244] Ibid.
[245] AJPRODHO provides legal assistance in and out of court and promotes young people's participation in local government and socio-economic improvements for young people. Strengthening the participation of young people in local government involves the use of community score cards as a means to call leaders within the community to account. If there are problems, young people can discuss them with their leader and make recommendations and thus contribute to a solution. Confidential source.

Democracy, the *Maisons des droits*[246] and the Association of Widows of the Genocide.[247]

2.2.2 Military Courts

Rwanda has a Military Tribunal (court of first instance) and a Military High Court (appellate court). Military courts grant defendants the same rights as civilian courts. Both the Military Prosecution (*Auditorat Militaire*) and military judges are directly subordinate to the Ministry of Defence. The Constitution describes military courts as special courts. Military courts may try all crimes committed by military personnel and their civilian accomplices, including genocide and crimes against humanity. In November 2013 the government used this provision to charge 14 civilians before a military tribunal with crimes against state security.[248]

During the reporting period, many soldiers were tried in military courts and sentenced to fines and imprisonment or both. High-ranking military officers were held on state security charges in 2013 and 2014. According to Amnesty International, the authorities failed to respect due process in their treatment of people suspected of terrorism-related offences.[249]

2.3 Post-genocide Justice

2.3.1 Gacaca Courts

The Gacaca courts are people's courts that were established to try huge numbers of genocide suspects in a reasonably short time. During the Gacaca trials genocide suspects were divided into three categories based on the severity of the charges, each with its own guidelines designed to encourage confessions in exchange for reduced sentences. The first category included the instigators and organizers of the genocide or crimes against humanity, and those who had committed rape or acts of sexual torture and their accomplices. Most suspects of the first category were tried before ordinary courts instead of Gacaca courts. Suspects in the second or third category (see page 32) were tried in principle by Gacaca courts. The second category is divided into five subcategories.[250]

[246] The *Maison des droits* employs 38 lawyers and other specialists, such as members of the Political Science Association and other institutes, engineers and physicians. The *Maison des droits* has three major programmes. Firstly, in the context of Access to Justice, it provides free legal advice to women who have been in trouble with the law. Secondly, it provides training to local elected representatives and authorities, women's organisations and other civil society organisations. Thirdly, the *Maison des droits* has a programme that focuses on political analysis and the participation of citizens in various public programmes. In addition, the *Maison des droits* monitors the situation in prisons.

[247] Sources say the fact that the Abunzi and the partnership between the government and NGOs are legally enshrined is in itself positive. This allows them to take advantage of the NGOs expertise. Confidential sources.

[248] US Department of State, *Country Report on Human Rights Practices 2013 - Rwanda*, 27 February 2014. Confidential source.

[249] On 29 August 2014, the government charged retired brigadier general Frank Rusagara and retired colonel Tom Byabagamba in the Nyamirambo Military Court with spreading rumours intended to incite the population to rise up against the government, insulting the president, and encouraging RPF party members to dialogue with members of the Rwandan National Congress in addition to other state security charges, including possession of illegal firearms. The trial on the substance of the case began on 7 December 2015. On 31 March 2016, the Military High Court of Kanombe sentenced retired Colonel Tom Byabagamba and retired Brigadier General Frank Rusagara to 21 and 20 years in prison respectively. Amnesty International, *Annual Report 2014/15 - Rwanda*, 25 February 2015. US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015. Human Rights Watch, *World Report 2016 - Rwanda*, 27 January 2016. Human Rights Watch - *Rwanda: Ex-Military Officers Convicted Over Comments*, 1 April 2016.

[250] 1° the well-known murderer who distinguished himself or herself in the area where he or she lived or wherever he or she passed, because of the zeal which characterised him or her in the killings or excessive wickedness with which they were carried out, together with his or her accomplices ;
2° the person who committed acts of torture against others, even though they did not result into death, together with his or her accomplices ;
3° the person who committed dehumanising acts on the dead body, together with his or her accomplices.

2.3.2 *Penalties for Genocide Crimes*

Article 72 et seq. of Organic Law no. 16/2004 of 19 June 2004 defines genocide penalties as follows (briefly summarised):

Defendants falling within the 1st category who refused to plead guilty[251] or whose confessions have been rejected, incur a death penalty[252] or life imprisonment;

Defendants falling within the 1st category who pleaded guilty,[253] incur a prison sentence ranging from 25 years to 30 years of imprisonment;

Defendants falling within the 2nd category referred to in points 1° and 2° who refused to plead guilty, incur a prison sentence ranging from 25 years to 30 years of imprisonment;

Defendants falling within the 2nd category referred to in points 1° and 2° who, already appearing on the list of perpetrators of genocide established by the Gacaca Court of the Cell,[254] pleaded guilty, incur a prison sentence ranging from 12 to 15 years of imprisonment, but out of their pronounced prison sentence, they serve half of the sentence in custody and the rest is commuted into community services on probation;[255]

Defendants falling within the 2nd category referred to in points 1° and 2° who plead guilty before the Gacaca Court of the Cell draws up a list of perpetrators, incur a prison sentence ranging from 7 to 12 years of imprisonment, but out of their pronounced prison sentence, they serve half of the sentence in custody and the rest is commuted into community services on probation;

Defendants falling within the 2nd category referred to in part 3° who refused to plead guilty, incur a prison sentence ranging from 5 to 7 years of imprisonment, but out of their pronounced prison sentence, they serve half of the sentence in custody and the rest is commuted into community services on probation;

Defendants falling within the 2nd category referred to in part 3° who, already appearing on the list of perpetrators of genocide established by the Gacaca Court of the Cell, pleaded guilty, incur a prison sentence ranging from 3 to 5 years of imprisonment, but out of their pronounced prison sentence, they serve half of the sentence in custody and the rest is commuted into community services on probation;

4° the person whose criminal acts or criminal participation place among the killers or authors of serious attacks against others, causing death, together with his or her accomplices ;
5° the person who injured or committed other acts of serious attacks, with intention to kill them, but who did not attain his or her objective, together with his or her accomplices.

[251] In addition to pleading guilty they had to repent and apologise.

[252] The death penalty was abolished on 25 July 2007.

[253] In the majority of cases, confessions led to the identification of accomplices and recovery of mortal remains. ASF, *Rapport analytique n°5*, January 2008-March 2010. pp 44-48.

[254] Article 5 of Organic Law no. 16/2004 of 19 June 2004 describes the organisation of the Gacaca courts as follows: The Gacaca Court of the Cell is made up of a General Assembly, a Seat for the Gacaca Court and a Coordination Committee. The Gacaca Court of the Sector, as well as the Gacaca Court of Appeal are made up with a Sector General Assembly, a Seat for the Gacaca Court and a Coordination Committee.

[255] Travaux d'intérêt général. (TIG). This alternative penalty is mentioned in Article 75 of Law no. 40/2000 of 26 January 2001. The TIG is an integral part of Rwandan politics in which the aims are repression, unity, reconciliation and development. The TIG is elaborated in *Arrêté présidentiel n°26/01 du 10 décembre 2001 relative à la peine alternative d'emprisonnement de travaux d'intérêt général* and *Arrêté présidentiel n°10/01 du 7 mars 2005 déterminant les modalités d'exécution de la peine alternative à l'emprisonnement de travaux d'intérêt général, entré en vigueur le 15 mars 2005 par publication au Journal Officiel de la République du Rwanda, n°6*. See also the website of the Service National des Juridictions Gacaca, www.inkiko-gacaca.gov.rw.

Defendants falling within the 2nd category referred to in part 3° who plead guilty before the Gacaca Court of the Cell draws up a list of perpetrators, incur a prison sentence ranging from 1 to 3 years of imprisonment, but out of their pronounced prison sentence, they serve half of the sentence in custody and the rest is commuted into community services on probation;

Defendants falling within the 3rd category will be ordered to pay reparations or compensation for the looted or damaged property;[256]
Minors falling within one of three categories incur lower sentences.[257]

Those who have served their sentences spend two months in an Ingando (a kind of re-education camp) in preparation for their return to society.

Gacaca courts tried 41,375 Category 1 cases at first instance, representing 2 percent of Gacaca trial cases, and convicted 89 percent. Of those convicted, 19,177 appealed, with 13 percent winning acquittal on appeal. Category 2 included perpetrators, co-perpetrators, and accomplices of murder, attempted murder, manslaughter, torture, and defilement of corpses. Gacaca courts tried 443,134 Category 2 cases at first instance, representing 25 percent of trial cases, and convicted 60 percent. Of those convicted, 134,394 appealed, with 30 percent winning acquittal on appeal. Category 3 included persons who committed offences against property. Gacaca courts tried 1,295,384 Category 3 cases at first instance, representing 73 percent of trial cases, and convicted 96 percent. Of those convicted, only 22,607 appealed, with 10 percent winning acquittal on appeal.[258]

During 2012 the courts completed the final 52 Gacaca appeals. The courts finished their work in June 2012.[259] Since 2005 the National Service of Gacaca Jurisdictions tried 1,958,634 genocide-related cases (178,741 of which were appeals) in 12,103 courts staffed by 169,442 elected lay judges. Gacaca courts had a conviction rate of 86 percent.[260] This meant that every fourth person who was over the age of 16 in 1994 was convicted. Serious doubts exist regarding the fairness of the trials. Some cases are said to be marred by false accusations, corruption and difficulties in calling defence witnesses; they may also have been abused to settle other disputes. It is not clear to what extent this happened. Human rights organisations indicated that this happened regularly, while the authorities say there were only a few of such cases.[261]

All Rwandans who have been convicted by a Gacaca court have the right to access their own files and request a judicial review. An application for review of a Gacaca judgment is in the first instance assessed by the Ombudsman, who may submit the matter to the court. The court will then assess whether the case should be reviewed.[262] A case may be reviewed, for example, if there has been a flagrant violation of legal rules.

[256] The problem here is that the vast majority of the perpetrators are too poor to pay compensation.
[257] The penalties for persons who were 14 years or more but less than 18 years at the time of the events are set out in Article 78.
[258] US Department of State, *Country Report on Human Rights Practices 2012 - Rwanda*, 19 April 2013.
[259] Legal experts criticised the courts for failure to address genocide-era crimes allegedly committed by the RPF and for routinely trying politically motivated cases. Freedom House, *Freedom in the World 2015 - Rwanda*, 28 January 2015.
[260] US Department of State, *Country Report on Human Rights Practices 2012 - Rwanda*, 19 April 2013.
[261] Confidential source. HRW, *Justice compromised*, May 2011. *Bertelsmann Stiftung's Transformation Index, Rwanda 2014*, 12 February 2014. For a comprehensive and detailed study of the Gacaca proceedings, please refer to Phil Clark, *The Gacaca courts, Post-genocide Justice and Reconciliation in Rwanda*, December 2011 and Hélène Dumas, *Juger le génocide sur les collines. Une étude des procès Gacaca au Rwanda (2006-2012)*, March 2013.
[262] Confidential source.

In practice, the legal possibilities for review open to citizens are few.[263] According to a source, approximately hundred cases were under review around mid-2015.[264]

Gacaca courts drew up a list with the names of 70,000 people who were tried in absentia. This list does not include the names of the main suspects because they did not fall within the mandate of these courts.[265]

Reparations and Compensation
According to the newspaper *The New Times*, the government commissioned a task force to investigate Gacaca judgments related to property (*The New Times*, 30 May 2014). According to the same source, the government's task force found that out of approximately 600,000 property-related judgments of Gacaca courts, approximately 160,000 were not executed as of mid-2013. Human Rights Watch reports that survivors have not received reparations or compensation from the government, in addition to receiving 'little restitution' from convicted perpetrators. Similarly, an article published by *The Guardian* notes that although compensation has been awarded though the prosecution of persons suspected of genocide abuses, these awards have yet to be enforced, including in cases where the Rwandan government has been mandated to pay indemnities to victims. In many cases, reparations have not been paid to survivors because those responsible for paying cannot afford to do so, or reportedly lied about their ability to pay. Sources report that survivors have become frustrated by the lack of payment of reparations.[266]

According to a July 2014 article published on the website of the NGO Survivors Fund (SURF), [267] survivors and survivor organisations have 'continuously called on the government of Rwanda as well as the international community to provide adequate reparation to survivors' and that this has been mostly unheard (SURF 11 July 2014). The government expressed its support of initiatives addressing the right to reparation.[268]

During the annual Legal Aid Week in 2015, organised by the Ministry of Justice in collaboration with the Legal Aid Forum, the unresolved issue of reparation and compensation payments was given special attention, making it an ongoing focus. Meanwhile, a large number of cases have been completed and the execution of the judgments has begun. The Ministry of Justice focuses on the further professionalisation of bailiffs, not only to facilitate the implementation of Gacaca judgments that have not yet been executed but also a large number of other judgments.[269]

2.3.3 Rwanda Tribunal

From 1994 to 2012, the International Criminal Tribunal for Rwanda (ICTR) completed 75 cases, with 52 convictions, 11 convictions pending appeal, and 12 acquittals. At the end of 2012, there were nine fugitives.[270]

[263] Ibid.
[264] Ibid.
[265] Ibid.
[266] IRB, *Rwanda: Reports of ill-treatment of members of the Tutsi ethnic group, in particular genocide survivors and perceived or actual government opponents*, 14 October 2014.
[267] http://survivors-fund.org.uk/.
[268] On 28 May 2014, the Rwandan government and the International Organisation for Migration (IOM) signed a Memorandum of Understanding aimed at assessing the study to identify the feasibility of reparations for the victims and survivors of the 1994 genocide. IRB, *Rwanda: Reports of ill-treatment of members of the Tutsi ethnic group, in particular genocide survivors and perceived or actual government opponents*, 14 October 2014.
[269] Judgments that are not executed undermine citizens' confidence in the judiciary, as citizens no longer know how to obtain redress. Confidential source.
[270] On 8 November 1994, the UN Security Council to establish the ICTR. The Tanzanian newspaper *The Citizen* published a very critical article on the ICTR's 20th anniversary and its closure at the end of 2014 under the

Before its closure the ICTR approved the transfer of two detainees and six of the nine fugitive cases to Rwanda. The ICTR did not indict any Rwandan Patriotic Front (RPF) members during its existence.[271] The last appeal case before the ICTR was in April 2015. The tribunal delivered its judgment in this case on 14 December 2015.[272]

The Mechanism for International Criminal Tribunals (MICT) was established by UN Security Council Resolution 1966 (2010). The MICT has two branches. One branch covers functions (residual work) inherited from the International Criminal Tribunal for Rwanda (ICTR) and is located in Arusha, Tanzania. It commenced functioning on 1 July 2012. The other branch is located in The Hague and inherited functions from the International Criminal Tribunal for the former Yugoslavia (ICTY). It commenced functioning on 1 July 2013. These three organisations, MICT, ICTR and ICTY, are committed to the same principles and share their senior management, i.e. Mr Hassan Jallow has a dual mandate as Prosecutor of the ICTR and MICT, and Mr John Hocking has a dual mandate as Registrar of the ICTY and MICT. For the time being, the three organisations continue to co-exist.[273] The MICT unveiled the cornerstone for its new premises in Arusha in July 2015. The three buildings of the new premises – the courtroom, the archives and the office building – have been designed to serve the specialized functions of the Mechanism.[274]

The archives will gradually be opened.[275] The MICT has a department which handles requests. Any country can submit a request for access to records to the MICT, which will treat these requests confidentially.[276]

The Arusha branch has a sub-branch in Kigali where the Registry,[277] the Prosecutor's Office,[278] and Witness Support Section are located.[279]

The MICT inherited the responsibility for the witnesses from the ICTR. This not only involves providing protection and guidance to witnesses, but also helping witnesses who need spiritual support, have HIV or are suffering from traumatic stress. The prosecution witnesses are scattered all over the world, but most of them still live in

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heading '*ICTR closes business after spending Sh 3.4 trillion – At the cost of USD 100 million a year, the court tackled and concluded only 54 cases in 20 years.'* The article also referred to an interview with President Kagame who compared the ICTR's high costs and limited results with the Gacaca proceedings in Rwanda. According to Kagame, the Gacaca proceedings contributed much more to reconciliation at the local level. Confidential source.

271 US Department of State, *Country Report on Human Rights Practices 2012 - Rwanda*, 19 April 2013. US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015. Amnesty International, *Annual Report 2014/15 - Rwanda*, 25 February 2015. Human Rights Watch, *World Report 2015 - Rwanda*, 29 January 2015

272 BBC News, *Rwanda genocide: International Criminal Tribunal closes*, 14 December 2015.

273 Ibid.

274 Unmict.org, *The Mechanism unveils cornerstone for new Arusha premises*, 2 July 2015.

275 The Rwandan authorities would have liked to have seen the archives transferred to Rwanda. Confidential source.

276 Archive management includes establishing a standard application procedure as well as responding to requests. There are huge archives of paper documents, of which many have been digitised. For example, all court records have been stored. The archives are regularly visited by foreign delegations. Certain information will be classified (secret). Some information will be released sooner than other information, i.e. declassification will take place in phases. Confidential source.

277 The Registry is responsible for all record keeping and information security.

278 The Prosecutor's Office has an investigation unit, an intelligence unit and a translation department. Confidential source.

279 Rwanda has its own Victim and Witness Support Unit (VWSU), which is part of the National Public Prosecution Authority (NPPA). The unit is charged with investigating and prosecuting threats against victims and witnesses. The VWSU was created in 2006 in response to the increase in threats against survivors and witnesses after the nationwide launch of Gacaca courts, and is the government's principal organ for witness protection. The VWSU also provides psychological support and counselling, and teaches witnesses show they can protect themselves. IRB, *Rwanda: Reports of ill-treatment of members of the Tutsi ethnic group, in particular genocide survivors and perceived or actual government opponents*, 14 October 2014.

Rwanda.[280] The Kigali sub-branch also houses a miniclinic staffed by one doctor, two nurses and one laboratory technician. One of the two nurses is also a psychologist. The clinic provides medical and psychological assistance. Every day witnesses come to the clinic for medication and free medical care.[281]

The MICT is also responsible for the management of the people convicted by the ICTR, who serve their prison sentences in various countries in Africa and Europe; the MICT monitors their welfare and the procedures in place. Finally, the MICT is responsible for tracking the three remaining fugitive suspects: Félicien Kabuga, Augustin Bizimana and Protais Mpiranya. For each of them, a reward of USD 5 million is being offered for information leading to their arrest.[282] As soon as one of them is arrested, seventy to eighty positions in Arusha will be filled to commence the legal proceedings (for which people are on stand-by or on-call). There are also six fugitive suspects in cases the ICTR passed on to Rwanda. The Rwandan authorities will prosecute them as soon as they have been arrested. The MICT collaborates closely with John Bosco Siboyintore, National Prosecutor and Head of the Genocide Fugitives Tracking Unit (GFTU). Two MICT officials monitor the two ICTR cases in Rwanda. The ICTR officially ceased to exist on 31 December 2015.[283]

Genocide Fugitives Tracking Unit

The GFTU has investigators[284] who are responsible for gathering evidence.[285] They take statements from local witnesses, which usually takes two to three weeks. On the basis of these witness statements, a public prosecutor[286] subsequently draws up indictments and arrest warrants. These documents are then sent by diplomatic channels to the country where the genocide suspects are supposedly residing.[287] Very few countries actually respond to these arrest warrants.[288] Copies of the indictments and arrest warrants are also sent to Interpol. To place genocide suspects on its red list, Interpol requires identifiable information, such as DNA, fingerprints and photographs. In many cases, such information is not available in Rwanda. In more than a hundred cases, Interpol placed Rwandans on the list of internationally wanted people.[289] Few of these Rwandans were actually arrested. One genocide suspect on the list was apprehended in the USA and extradited to France.[290]

Annually, the GFTU publishes a list with the names of fugitive genocide suspects.[291] The GFTU maintains contact with other countries and requests them to expel or

[280] Some defence witnesses reside in Arusha. Some of them returned to Rwanda and reportedly did not encounter any problems. Confidential source.

[281] Confidential source.

[282] They were leading figures who incited Rwandans to commit genocide. They are all multimillionaires. In 2000, Kabuga, who is considered one of the financiers of the genocide, possessed a fortune of more than USD 20 million. Some countries provide shelter to these defendants. For example, Kenya is said to provide high-level protection to Kabuga. Confidential source.

[283] Confidential source.

[284] The GFTU has twelve investigators but no special investigating officers.

[285] Sources indicate that the GFTU is struggling with a lack of resources and unrealistic goals. With its limited number of investigators and cars - the GFTU has only two cars and four motorcycles at its disposal in the Kigali region - the GFTU was required to submit 160 indictments to the court in 2014-2015. Consequently, the investigators do not have enough time to question witnesses. In the period 2013-2014, the GFTU drew up 55 indictments for genocide suspects (the intended number was 90). Confidential sources.

[286] The GFTU has five public prosecutors. These are graduated lawyers with work experience, who received additional training at the Institute of Legal Practice and Development (ILPD).

[287] In most cases, the country where a suspect is residing is known, but often there are no address details or other details by which the suspect may be identified. Confidential source.

[288] Confidential source.

[289] Ibid.

[290] Ibid.

[291] The GFTU issued 399 summons and international arrest warrants, which were transmitted to 32 countries in Europe, Africa and North America. The fugitive suspects are residing in Africa, Europe, North America and

extradite genocide suspects to Rwanda or, if that is not possible, to prosecute these suspects themselves. So far, a number of countries have extradited genocide suspects. One was extradited by Denmark and one by Norway. Three Rwandans were expelled by Uganda, three by the USA, one asylum seeker suspected of Article 1F crimes was expelled by Canada and one by the Netherlands.[292] It concerned a total of twelve people who had been convicted in absentia by Gacaca courts. Those who return to Rwanda may lodge an appeal against their conviction in absentia. They will then be tried by a court of law. The Rwandans who came from the USA did lodge such an appeal, and were tried anew and convicted. In other cases, countries chose to try the suspects themselves.[293] If a genocide suspect convicted abroad has served his sentence and returns to Rwanda, Rwanda will adhere to the *ne bis in idem* principle.[294]

ICTR Cases

On 20 December 2012, the ICTR convicted Augustin Ngirabatware, Rwanda's former minister of planning, of genocide and crimes against humanity. The court sentenced Ngirabatware to 35 years in prison. Ngirabatware was found guilty of having distributed weapons at checkpoints where Hutu militias would kill ethnic Tutsis during the 1994 genocide. Ngirabatware's trial was the last genocide case tried by the ICTR.[295]

On 2 February 2013, the ICTR Appeals Chamber overturned the 2011 ICTR convictions of former cabinet ministers Justin Mugenzi and Prosper Mugiraneza.[296]

General Augustin Ndindiliyimana, a Rwandan ex-paramilitary police chief whom the ICTR had found guilty of genocide, was acquitted on appeal in 2014. Ndindiliyimana was already free as his sentence was the 11 years he had spent in custody awaiting trial. He was put on trial with ex-army chief General Augustin Bizimungu, who was given 30 years and is also appealing.[297]

2.3.4 Prosecution Outside Rwanda

In the past twenty years, 19 Rwandan genocide suspects were tried in ten other countries.[298] In 2012, court proceedings against Rwandan genocide suspects took place in several other jurisdictions, including Canada, Norway, Sweden, Germany, and the Netherlands.[299] A United States court convicted a Rwandan woman of immigration fraud for concealing her role in the genocide, stripped her of US citizenship and sentenced her to 10 years' imprisonment.[300] In 2014, genocide trials took place in the domestic courts of several countries.

Australia. The list of 231 fugitive genocide suspects can be found on http://nppa.gov.rw/fileadmin/Archive/RAPORO_Z_UBUSHINJACYAHA/GENOCIDE_SUSPECT_DOCS.pdf. Confidential source.

292 Article 1F of the Geneva Refugee Convention lists grounds for automatic exclusion from recognition of refugee status. These occur when there are serious reasons for considering that the person seeking refugee status has committed a crime against peace, a war crime, or a crime against humanity.

293 Eight genocide suspects were convicted in Belgium, the others were convicted in Canada, the Netherlands, Norway, Sweden, France and Germany.

294 *Ne bis in idem* is a legal doctrine to the effect that no legal action can be instituted twice for the same cause of action. Confidential source.

295 US Department of State, *Country Report on Human Rights Practices 2012 - Rwanda*, 19 April 2013.

296 US Department of State, *Country Report on Human Rights Practices 2013 - Rwanda*, 27 February 2014.

297 BBC News, *Rwanda's Augustin Ndindiliyimana cleared of genocide*, 11 February 2014.

298 Confidential source.

299 On 7 July 2011, a Dutch court sentenced Joseph Mpambara to life imprisonment (after he had lodged an appeal against a sentence to 20 years' imprisonment). See http://www.trial-ch.org/en/ressources/trial-watch/trial-watch/profils/profile/757/action/show/controller/Profile.html. Human Rights Watch, *World Report 2013 - Rwanda*, 31 January 2013.

300 Human Rights Watch*, World Report 2014 - Rwanda*, 21 January 2014.

In the first such prosecution in France, conducted by a newly established war crimes unit, a court in Paris tried former intelligence chief, Pascal Simbikangwa, and sentenced him in March 2014 to 25 years in prison for genocide and complicity in crimes against humanity. In February 2014, a court in Germany sentenced former Rwandan mayor, Onesphore Rwabukombe, to 14 years in prison for aiding and abetting genocide.[301] In April 2014, a Norwegian court sentenced Sadi Bugingo to 21 years' imprisonment for his role in the genocide. His appeal was pending at the end of the year.[302] On 7 May 2014, the Quebec Superior Court upheld Désiré Munyaneza's conviction by a Canadian court for genocide, crimes against humanity and war crimes.[303] On 19 June 2014, a Swedish court confirmed the sentence of life imprisonment for Stanislas Mbanenande for his role in five massacres in Kibuye during the genocide.[304] On 6 July 2016, a French court sentenced Tito Barahira and Octavien Ngenzi to life imprisonment for genocide and crimes against humanity.[305]

2.3.5 Expulsion and Extradition

In January 2012, former government official Léon Mugesera was sent back to Rwanda from Canada to face charges of planning of and incitement to genocide.[306]

The European Court of Human Rights rejected in 2012 Sylvère Ahorugeze's appeal against the Swedish government's decision to extradite him to Rwanda.[307]

Charles Bandora, a genocide suspect in Norway, was extradited to Rwanda,[308] while two others in Sweden and Denmark lost their appeals against extradition.[309]

Genocide suspects Vincent Brown, also known as Vincent Bajinya, Charles Munyaneza, Emmanuel Nteziryayo, Celestin Ugirashebuja and Celestin Mutabaruka were arrested in the United Kingdom in 2013, following a request for their extradition by Rwanda. On 22 December 2015, the English court rejected the extradition request.[310] According to the court there was 'a real risk of a flagrant denial of justice or fair trial.'[311] In its decision, the court also considered the findings of the former Dutch prosecutor Martin Witteveen, who had conducted investigations in genocide cases and had attended proceedings against international genocide suspects who were tried in Rwanda on the basis of the Transfer Law (see 2.3.6).[312] Mr Witteveen's personal opinion was that the defence lawyers in transfer cases perform at a level that does not meet international standards.[313]

In 2012 and 2013, Rwanda requested the Netherlands to extradite Jean Baptiste Mugimba and Jean Claude Iyamuremye respectively for alleged involvement in genocide. In both cases, the court ruled that there was no threat of flagrant

[301] Human Rights Watch, *World Report 2015 - Rwanda*, 29 January 2015.
[302] Amnesty International, *Annual Report 2014/15 - Rwanda*, 25 February 2015.
[303] Amnesty International, *Annual Report 2014/15 - Rwanda*, 25 February 2015.
[304] Ibid.
[305] Le Monde, *Génocide rwandais: deux anciens bourgmestres condamnés à perpétuité à Paris*, 7 July 2016.
[306] The Rwandan government offered the Canadian government diplomatic guarantees that Mugesera's human rights would be respected. Lapresse.ca, *Léon Mugesera est déporté vers le Rwanda*, 24 January 2015. Human Rights Watch, *World Report 2013 - Rwanda*, 31 January 2013.
[307] Amnesty International, *The State of the World's Human Rights - Rwanda*, 23 May 2013.
[308] Sources indicate that the improvement in detention conditions had led to the first extradition to Rwanda (Charles Bandora from Norway). Confidential source.
[309] Human Rights Watch, *World Report 2014 - Rwanda*, 21 January 2014. Amnesty International, *Annual Report 2014/15 - Rwanda*, 25 February 2015.
[310] The court particularly tested for Article 6 of the European Convention on Human Rights (ECHR). See judgment, par. 150. See https://www.judiciary.gov.uk/wp-content/uploads/2015/12/rwandan_five_judgment_21_12_15-final_version.pdf. See also BBC, *Rwanda genocide: UK judge rejects extradition bid*, 22 December 2015.
[311] Paragraphs 630-631 and 665.
[312] Par. 382 et seq.
[313] Par. 390.

violation of Article 6 of the European Convention on Human Rights (ECHR) (right to a fair trial). The Supreme Court rejected the appeals in both cases. After the Minister of Security and Justice had approved the extradition, Mugimba and Iyamuremye instituted interim injunction proceedings to prevent the extradition on the grounds of Mr Witteveen's findings (see above). On 27 November 2015, the interim provisional judge prohibited the extradition, largely on the basis of Mr Witteveen's confidential reports, unless the State would remove Mr Witteveen's concerns about the defence in an appropriate manner. On 5 July 2016, on appeal, the Superior Court ruled that there was no real risk that the extradition of Iyamuremye and Mugimba would lead to a flagrant violation of Art. 6 ECHR.[314] In its decision, the Superior Court also took into account statements made by the ICTR and MICT,[315] rejecting genocide suspects' objections to the legal procedure under the Transfer Law, giving reasons.[316]

In three judgements on 26 February 2014, the French Court of Cassation considered that extraditing genocide suspects to Rwanda was not legally possible because of the principle that offences and penalties must have a proper basis in law. This principle, which follows from Article 8 of the Declaration of the Rights of Man and Citizen of 1789, implies that a person may be convicted solely on the basis of a clear definition of an offence in criminal law existing at the time the offence was committed. When the genocide took place in 1994, the concept of genocide was not yet included in the Rwandan Penal Code. The Code was not amended on this point until 1996. In a ruling of 30 June 2015, the Court of Appeal in Poitiers had nonetheless approved the extradition of Innocent Bagabo. The Court had held that, in certain circumstances, international standards should prevail over the absence of a precise legal text in national law.[317] On appeal in cassation, the judgment of the Court of Appeal was overturned by the Court of Cassation.[318]

Ladislas Ntaganzwa, former mayor of Nyakizu, was arrested in the Democratic Republic of Congo (DRC) in December 2015 on the basis of an arrest warrant issued by the MICT.[319] Ntaganzwa was extradited to Rwanda in March 2016.[320]

[314] Par. 3.13. See http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:GHDHA:2016:1924 The Superior Court attached a condition to its permission for extradition, namely that both court cases in Rwanda be monitored by the ICJ (International Commission of Jurists) Kenya on behalf of the State. Par. 3.3.

[315] The Superior Court also took into consideration that the ICTR and MICT had tested whether, upon extradition to Rwanda, the suspects would receive a fair trial and that there was no threat of a flagrant denial of justice. Thus the ICTR and MICT used a stricter criterion than the Superior Court was required to apply in this case on the grounds of ECHR case law. See par. 2.3.

[316] In addition, the Superior Court held that, unlike the interim provisional judge presumed, the MICT was familiar with Witteveen's reports. See par. 2.3. The Superior Court held that Witteveen had concluded in 2014 that there is no reason not to extradite suspects in genocide cases. Par. 2.6. The court also noted that some of the problems that had arisen in the cases of Uwinkindi et al, now seemed to have been resolved. For example, there is now clarity about the available remuneration for legal assistance, the requirement that lawyers should not criticise the government has been removed from the contract with the Rwanda Bar Association (RBA), and a budget for investigations has been made available, as well as a list of 68 lawyers who will defend genocide suspects on the basis of legal aid. It was also found that whenever problems occurred in these transfer cases, the Rwandan authorities proved to be prepared to take measures to resolve them. See par. 220. Furthermore, the Superior Court held that, insofar as Witteveen questions some decisions of the High Court in individual cases, such as the decision to hear witnesses during the period that Uwinkindi did not have legal assistance, it was neither stated nor apparent that such decisions could not have been rectified on appeal by the Supreme Court or even by the High Court itself. See par. 3.4

[317] Le Monde, *Rwanda: la France fait un (petit) pas vers l'extradition de présumés génocidaires*, 7 July 2015.

[318] AFP, *France: l'avis favorable à une extradition vers le Rwanda annulé*, 16 October 2015. See also Le Monde, *La justice s'oppose à l'extradition vers le Rwanda d'un Français suspecté de génocide*, 15 September 2015.

[319] The USA had offered a reward of USD 5 million for his arrest.

[320] US State Department, *Transfer of Ladislas Ntaganzwa to Rwanda by the Democratic Republic of the Congo*, 23 March 2016. BBC News, *Genocide suspect Ladislas Ntaganzwa flown to Rwanda for trial*, 20 March 2016.

2.3.6 *Prosecution of International Cases in Rwanda*

In February 2012, an international crimes chamber was created within Rwanda's High Court[321] to prosecute extradited suspects.[322] In 2013, Rwanda adopted a law on extradition.[323] During the reporting period, six court cases were pending against genocide suspects who were transferred to the Rwandan legal system either by various countries through extradition or by the ICTR. Of these six cases, two were transfer cases[324] of the ICTR (suspects Jean Bosco Uwinkindi and Bernard Munyagishari), one was an extradition case from Norway (Charles Bandora), one was an extradition case from Denmark (Emmanuel Mbarushimana), one was an extradition case from the DR Congo (Ladislas Ntaganzwa), and one was a case against an asylum seeker suspected of Article 1F crimes who was extradited by Canada (Léon Mugesera).[325]

Over the past few years, Rwanda has introduced reforms to strengthen the capacity of both the public prosecution and the judges of the Supreme Court to convince the ICTR and the international community that its legal system meets the standards. International cases – involving category one suspects – fall under a special law, the Transfer Law. The first version of this law was enacted in 2007 and the most recent one in 2013. In principle, the Transfer Law is meant to be solely applicable to *extradited* genocide suspects and not to *expelled* genocide suspects, but Canada had made it a condition for Mugesera's expulsion that he be tried on the basis of the Transfer Law. Rwandan genocide suspects who are extradited or expelled by countries attaching no specific conditions to extradition or expulsion fall under normal criminal law.[326]

During the proceedings in the transfer cases, the judges make a professional and unbiased impression, according to observers. There is no evidence that the accused are regarded as political opponents of the government or that political considerations play a role in the proceedings.[327] It does occur that witnesses have changed their statements when they appear before the court.[328] According to one observer, the defence in transfer cases is inadequate.[329] Some observers indicate that the lawyers have insufficient experience in international criminal law or in hearing witnesses.[330] The Rwanda Bar Association (RBA) dismisses criticism of its members' performance as unfounded and biased. The RBA points out that not only experienced Rwandan lawyers are members of the Bar Association, but also foreign

[321] *International Chamber of the Hight Court.*
[322] Freedom House*, Freedom in the World 2013 - Rwanda*, January 2013.
[323] Law No. 69/2013 of 02/02/2013 on extradition, published in the Official Gazette N. 42 of 21/10/2013.
[324] By 'transfer cases' are meant the court cases transferred by the ICTR to Rwanda as well as Rwandan genocide suspects extradited by individual countries.
[325] Confidential source.
[326] Confidential source. African countries, for example, did not attach specific conditions. As far as known, only two genocide suspects were extradited by an African country, namely Uganda. It is not clear exactly how many genocide suspects were extradited to Rwanda by African countries. The New Times, *Uganda extradites Genocide suspect*, 3 December 2010. The New Times, *Prosecutor General urges cooperation on Genocide suspects*, 24 October 2014.
[327] Confidential source.
[328] Some of the witnesses are perpetrators of genocide and are heard in their cells, which sometimes lead defence lawyers to suspect that they were promised a reduced sentence. Incidentally, the ICTR also encountered many problems in terms of witnesses having been influenced. Confidential source.
[329] According to one source, the defence lawyers form the weakest link in the justice sector. Rwanda has limited experience with defence in criminal cases under the Transfer Law system. Whereas the prosecution and judiciary received considerable support from foreign donors, the Rwanda Bar Association did not. RBA lawyers were, however, well trained by the ICTR and Lawyers Without Frontiers. Confidential source. Par. 2.14.
[330] According to lawyers, it is sometimes difficult to defend genocide suspects, especially those coming from abroad. Not only society as a whole but also their family and clients are unfavourably disposed towards them. Confidential source.

lawyers, and that many RBA lawyers gained experience in genocide lawsuits in France, Belgium, the USA and Tanzania, and at sessions of the Rwanda Tribunal.[331]

In transfer cases, a team of two lawyers receives a lump sum of RWF 15 million (approx. EUR 18,700) per case, [332] including the appeal period.[333] The lawyers in these cases are selected from a list of 68 qualified lawyers from the Rwanda Bar Association and are paid by the Rwandan Ministry of Justice. The ministry also needs to pay investigators or defence lawyers to enable them to conduct independent investigations.[334]

Jean Bosco Uwinkindi
The trial of Jean Bosco Uwinkindi, the first case transferred to Rwanda by the ICTR, opened in Kigali.[335] Uwinkindi was sent from Arusha, Tanzania, to Rwanda in April 2012 to stand trial for genocide. His trial began in June 2012.[336] The preliminary court hearings took place in Kigali.[337] In 2014, after a few preliminary court hearings, the trial of Jean Bosco Uwinkindi was postponed.[338] On 13 May 2015, the MICT interpreted Uwinkindi's comments in the *Monitor Report Uwinkindi March 2015* as a request for revocation of the referral of his case to Rwanda. According to Article 6(6) of the Statute of the ICTR, an order referring a case may be revoked where it is clear that the conditions for referral of the case are no longer met and it is in the interest of justice.[339] The Trial Chamber refused the request in its judgment of 22 October 2015. The judges considered, *inter alia*, that Uwinkindi – who had argued that the witnesses had not been questioned due to the absence of a defence lawyer – had, at a later date, been given the opportunity by the High Court to question these witnesses after his lawyers had taken cognisance of the file.[340] Uwinkindi's request that he be represented by a lawyer of his own choice was granted by the Supreme Court on 25 April 2016.[341]

Bernard Munyagishari
Very slow progress was made in the trial of Bernard Munyagishari, another case transferred to Rwanda by the ICTR.[342] As he does not speak English, Munyagishari wished to be tried in French. The court has now appointed an interpreter to assist

[331] Confidential source.
[332] Initially, each of the two lawyers representing Uwinkindi received RWF 30,000 (EUR 37.50) per hour. Later on, they were each paid RWF 1 million (EUR 1,250) per month. As the case dragged on, the Minister of Justice decided to pay RWF 15 million (EUR 18,750) per case, regardless of the number of lawyers. In the case against Uwinkindi, the Minister unilaterally ended the contract with the lawyers, who had been paid about RWF 80 million (EUR 100,000) so far. The lawyers refused the new contract, and requested the court to suspend the trial until a new contract would be signed. When the court rejected the request as well as the appeal lodged against that rejection, the lawyers no longer showed up. The court fined them for contempt of court and ordered the Bar Association to appoint new lawyers. These were, however, not accepted by Uwinkindi. Confidential source.
[333] As such cases can sometimes run for as long as three years, this may come down to EUR 230 per month per lawyer. Consequently, lawyers need to take on additional commercial cases, such as company law cases. Confidential sources.
[334] If lawyers want to conduct investigations for which they incur costs, they must provide detailed arguments as to why these investigations are necessary. According to sources, lawyers often failed to provide proper argumentation in their applications. For example, some lawyers wanted to conduct investigations in Australia to hear Rwandan witnesses, but they did not have the addresses of these witnesses. Sources indicated that lawyers lack knowledge, expertise, experience and the ability to conduct investigations abroad. Defence teams therefore engage the services of qualified investigators, but in Rwanda lawyers need to conduct the investigations themselves. Confidential sources.
[335] Human Rights Watch, *World Report 2013 - Rwanda*, 31 January 2013.
[336] Confidential sources.
[337] The ICTR agreed to transfer seven other cases to Rwanda. Human Rights Watch, *World Report 2013 - Rwanda*, 31 January 2013.
[338] Human Rights Watch, *World Report 2014 - Rwanda*, 21 January 2014.
[339] MICT-12-25-RI4.1.
[340] Ibid.
[341] Uwinkindi did not accept the RBA lawyer the Supreme Court had initially assigned to him. *Monitoring Report Uwinkindi April 2016*, paragraphs 30 and 31.
[342] The ICTR transferred Munyagishari to Rwanda on 24 July 2013.

him. His lawyers demanded a higher fee.[343] Munyagishari was assigned new lawyers in late 2015. Although Munyagishari refused to cooperate with his defence team, they nonetheless continued to defend him 'in the interest of justice'.[344]
A practice directive on the allocation of means for further defence investigations was incorporated into Rwandan law in August 2015.[345] A request from Munyagishari's defence lawyers to be allowed to conduct investigations at the crime scenes was granted by the High Court, but they were given only six days to do so instead of the requested thirty days.[346] The proceedings in transfer cases are attended by observers from the ICTR.[347] The developments in the transfer cases against Uwinkindi and Munyagishari can be followed on the MICT website.[348]

Léon Mugesera
Canada expelled Léon Mugesera to Rwanda on 23 January 2012. He was tried by the International Chamber of the High Court.[349] Mugesera was represented by a single lawyer. Initially, Mugesera paid his own lawyer, but he later claimed indigence.[350] On 15 April 2016, the High Court handed a life sentence to this former senior politician who had referred to Tutsis as 'cockroaches'. Mugesera said he would appeal the sentence.[351]

Charles Bandora
Charles Bandora was extradited by Norway on 9 March 2013. Bandora had in the first instance been acquitted by a Gacaca court, but was later on convicted in absentia, after an appeal lodged by the victims. However, this judgment was later on overturned because Category 1 suspects may not be tried by a Gacaca court.[352] The first hearing in this case took place at the High Court on 4 November 2013.[353] In May 2015, Bandora was sentenced to 30 years in prison. He has lodged an appeal against this sentence.[354]

Emmanuel Mbarushimana
Emanuel Mbarushimana was extradited by Denmark on 3 July 2014.[355] In mid-2015, his trial was still in its early stages.[356] There was some delay as Mbarushimana took

[343] One of the lawyers in the case against Munyagishari is also Uwinkindi's lawyer. This lawyer refused the RFW 15 million contract offered by the Minister of Justice. As a result Munyagishari's lawyers represent him pro bono and Munyagishari conducts de facto his own defence. Confidential sources.
[344] The New Times, *Munyagishari's case begins in substance*, 30 January 2016.
[345] Practice Direction by the Chief Justice on Allocation of Means for Further Defence Investigations for Indigent Accused Transferred to Rwanda (2015).
[346] *Monitoring Report Munyagishari April 2016*, paragraphs 16 and 51. The judges considered that the defence could submit a reasoned request for additional investigations at a later stage. The remuneration the lawyers received for the investigation from the High Court was equal to that of a Director-General of a department on mission.
[347] Confidential source.
[348] For Uwinkindi, see http://www.unmict.org/en/cases/mict-12-25. For Munyagishari, see http://www.unmict.org/en/cases/mict-12-20.
[349] Confidential source. See also The New Times, *Prosecution accuses Mugesera of delaying trial*, 10 May 2012.
[350] However, he refused to fill in the requisite forms. During the hearing, Mugesera was the only one who spoke. Confidential source.
[351] Reuters, *Léon Mugesera given life sentence for hate speech during Rwandan genocide*, 15 April 2016.
[352] Ibid.
[353] Bandora was represented by two lawyers of his own choice. Initially, he paid these lawyers himself, but he later on requested legal aid. The lawyers accepted the total sum of RWF 15 million. An observer reported that the lawyers did not pursue a clear defence strategy. Confidential source.
[354] For the course of the proceedings against Bandora, see The New Times, *Bandora to be extradited today*, 10 March 2013; The New Times, *Bandora lawyers fined for contempt of court*, 26 June 2014; The New Times, *Bandora trial: state lines up witnesses*, 23 September 2014; and The New Times, *Bandora sentenced to 30 years for Genocide*, 16 May 2015.
[355] Confidential source. See also The New Times, *Mbarushimana silent as court hears Genocide case*, 13 August 2014.
[356] Confidential source.

his time to choose a lawyer.[357] Finally, in May 2016, he was assigned a defence team, but Mbarushimana refused to accept these lawyers.[358]

2.4 Gacaca Archive

From 2002 until 2012, more than 12,000 Gacaca courts were operative in local communities throughout the country and concluded almost 2 million cases. These figures illustrate the scale and impact of the Gacaca courts and with that the extraordinary value of the archive produced by these courts for Rwanda as a nation as well as for international audiences. The documents provide insight into the course of the court cases and contain a wealth of information on the genocide.[359] After the closing of the Gacaca courts, the physical files of each court case were kept in the Rwanda National Police Headquarters in Kigali. From July 2014, it became increasingly difficult to gain access to the files. Staff of the National Commission for the Fight against Genocide (CNLG)[360] regularly screened investigators to check whether they were supporters or opponents of the Rwandan government, after which they were often denied access 'to protect the files'.[361]

Many records and documents are still being sent to the CNLG. It is essential that the paper documents are properly preserved under the right climatic conditions.[362] Hence the Gacaca Archive Project was started in December 2014. The project is a collaboration between the National Commission for the Fight against Genocide (CNLG), Aegis Trust, the Department of Digital Humanities of King's College London, the University of Southern California Shoah Foundation Centre for Advanced Genocide Research (USC Shoah) and the Dutch NIOD Institute for War, Holocaust and Genocide Studies.[363]

After 18 months of research and a feasibility study by the British Ngo Aegis Trust, the CNLG began organising, cataloguing and digitising the Gacaca court records in January 2015. It is estimated that a total of 60 million pages of documentation and 8,000 audio-visual files need to be digitised.[364] On completion of the process, the archives may be used as evidence in judicial procedures,[365] by researchers and students, as well as for memorial purposes.[366] The international partners will help create a cadre of trained personnel to manage and run the archives. The feasibility study conducted prior to the launch of the project showed that documents in the Gacaca archives were deteriorating and risked being lost.[367]

[357] Mbarushimana argued that the Rwanda Bar Association had given him a list with the names of 500 lawyers, whereas, during the extradition procedure in Denmark, the Rwandan government had stated that there were more than 800 lawyers who could represent him. Confidential source.

[358] The New Times, *Mbarushimana Genocide trial: Court orders trial to proceed despite defendant's defiance*, 1 June 2016.

[359] http://www.niod.nl/nl/projecten/gacaca-archive-project-fase-%C3%A9%C3%A9n

[360] See http://www.cnlg.gov.rw/.

[361] African Arguments, *Rwanda: Past Politics and Present Preservation of the Gacaca Files*, 8 April 2015.

[362] It is important to maintain the right temperature and level of humidity. The paper documents must be protected against fire, water, insects and dust.

[363] For this project, a special law was adopted, which came into effect on 9 May 2014. See Law N°12/2014 of 09/05/2014 establishing Rwanda Archives and Library Services Authority (RALSA) and determining its mission, organisation and functioning.

[364] The project includes three different phases. The first phase started in January 2015 and focused on preserving and increasing the accessibility of the documents. NIOD provided a basic training course in archive management for the archive staff in Rwanda. Initial funding for the first stage of the project was secured from the Government of Rwanda and the Dutch embassy in Rwanda. NIOD, *NIOD geeft archieftraining in Rwanda*, 20 February 2015.

[365] Daily requests for information from third parties made the CNGL decide to give priority to the facilitation of retrieval by name. Organisations abroad which are investigating genocide crimes may also benefit from information about convicted and alleged genocide perpetrators. NIOD, *NIOD geeft archieftraining in Rwanda*, 20 February 2015.

[366] The New Times, *Gacaca archives digitisation starts in January, CNLG says*, 12 December 2014.

[367] Ibid.

The Dutch National Archives in The Hague donated a large number of storage racks (with a total length of 10 km) to the CNLG. The documents will first need to be unstapled and then stored in acid-free folders and boxes. It is estimated that number of boxes will increase from 4,000 in the first year to 39,000 in the third year (and may even increase further if the project takes more than three years). The number of folders will increase from 320,000 in the first year to 1.2 million in the third year.[368] A digitisation feasibility study has been completed and several staff have been trained in archive management. In collaboration with Aegis, the digitisation process was started in August 2015.[369] The archive will be housed in a new building at the site of the Kigali Genocide Memorial. According to observers it is important that Aegis tries to prevent politics from influencing access to the new archives.[370]

2.5 Rwandan Returnees

Sources reported that, since 2001, 411,000 demobilised former combatants have returned to Rwanda and were reintegrated into society.[371] In 2010, in collaboration with the International Organisation for Migration (IOM), the Ministry of Disaster Management and Refugee Affairs (MIDIMAR) set up a project called 'Enhancing Socio-Economic Reintegration of Returnees and other vulnerable groups'.[372] The Rwandan government worked with UNHCR and other aid organisations to assist the resettled returnees.[373] For extradited and expelled Rwandan genocide suspects, see 2.3.5.

Cessation Clause

The refugee status for Rwandans was ended on 30 June 2013. UNHCR and the Rwandan government came to this decision to invoke the so-called cessation clause because they were of the opinion that the unsafe and unstable circumstances that had led to flight no longer existed in Rwanda.[374] However, many of the estimated 100,000 Rwandans who lived outside the country - mainly in eastern, central and southern Africa - remained unwilling to repatriate, citing fear of persecution by the government.[375] In 2014, Burkina Faso, Burundi, the Republic of Congo[376], Niger, Senegal, Togo and Zambia[377] had ended the refugee status of the Rwandans who had fled to these countries. UNHCR remained responsible for the Rwandan refugees in the DRC.[378] Between July 2013 and June 2014, over 24,000 Rwandan refugees returned including those expelled from Tanzania.[379]

[368] In 2015, the CNLG drafted a plan and budget for the archiving of paper documents in three years as well as a plan and budget for the archiving of paper documents in six years. A six-year plan would require less financial resources. At the time this country report was written, the Rwandan government had not yet made a choice between the two versions. Confidential source.

[369] Confidential source.

[370] The ultimate goal is to ensure all documents are available in both paper and digital form. African Arguments, *Rwanda: Past Politics and Present Preservation of the Gacaca Files*, 8 April 2015.

[371] Confidential source.

[372] www.midimar.gov.rw/.

[373] US Department of State, *Country Report on Human Rights Practices 2012 - Rwanda*, 19 April 2013.

[374] In October 2009, UNHCR announced a strategy for the invocation of the so-called cessation clause. All the major asylum countries hosting the Rwandan refugees, as well as Rwanda itself, have been implementing the strategy. Following a Ministerial meeting on 18 April 2013 in Pretoria, they agreed to apply cessation at different rates. UNHCR, *Ending of refugee status for Rwandans approaching*, 28 June 2013.

[375] IRIN, *No consensus on implementation of cessation clause for Rwandan refugees*, 12 July 2013.

[376] In June 2010, the Republic of Congo ((Congo-Brazzaville) announced that it would invoke the cessation clause for the 8,404 Rwandan refugees it hosted. They could choose between voluntary repatriation, naturalisation or applying for exemption. IRIN, *No consensus on implementation of cessation clause for Rwandan refugees*, 12 July 2013.

[377] Most of the applications for exemption submitted by the 4,000 Rwandans whose refugee status had been revoked in Zambia were rejected.

[378] The DRC – where an estimated 56,000 Rwandans were residing in 2015 – did not follow the UNHCR's recommendation to invoke the cessation clause. Confidential sources.

[379] From July to December 2013, Tanzania expelled 14,461 Rwandans who it claimed were living illegally in Tanzania. The government resettled the deportees to their home communities in Rwanda and provided housing

Rwanda, UNHCR and the twelve countries hosting the largest numbers of Rwandan refugees made some new agreements in 2015 because, despite the ending of refugee status, there were still problems with regard to Rwandan refugees. They agreed that Rwandan refugees would be given the choice to either return (which the Rwandan government actively promotes) or to remain in the host country and to normalise their status to that of regular immigrant, exchanging their refugee document for a Rwandan passport. This process should be completed by 31 December 2016. On 31 December 2017, the refugee status will be ended definitively for all Rwandans who fled Rwanda between 1959 and 1998.[380]

Those who returned voluntarily after the invocation of the cessation clause received assistance through the project of 'Enhancing Socio-Economic Reintegration of Returnees and other vulnerable groups' and were provided with construction materials, including iron sheets and nails, and livestock to improve their livelihood. Young people were provided with skills training and start-up tools in order to enable them to create income-generating activities.[381] In another programme jointly initiated by MIDIMAR and One UN, returnees were provided with health insurance, education for children, shelters, and legal aid. According to the Rwandan government, about 40,000 Rwandans were supported through these projects until 2013.[382] Returnees from the DRC – of whom some had spent more than 19 years in exile – were received in the Nkamira Transit Centre in the Rubavu district. Here they received repatriation packages composed of food and non-food items that would help them survive for at least three months. They were transported to their home villages by UNHCR and MIDIMAR.[383]

As far as known, very few Rwandans were arrested upon their return to the country.[384] Hundreds of Rwandans had already returned – some involuntarily – from the DRC and Burundi *before* the invocation of the cessation clause in 2013. Some of them hid in northern Rwanda, others immediately travelled on to Uganda.[385]

In 2014, the government continued to accept former Rwandan combatants who returned from the DRC. The Rwandan Demobilisation and Reintegration Commission (RDRC), with international support, placed former combatants in a three-month re-education programme at the Mutobo Demobilisation Centre in northern Rwanda.[386] After a three-month re-education period, each former combatant was enrolled automatically in the RDF Reserve Force and received approximately RWF 60,000 (EUR 75) and permission to return home. Two months later each former combatant received an additional RWF 120,000 (EUR 150).[387]

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and vocational training. MIDIMAR, *Rwanda calls UNHCR to step up Cessation Clause implementation*, 1 October 2014. US State Department, Country Report on Human Rights Practices 2014 - Rwanda, 25 June 2015.

380 The New Times, *Authorities delay implementation of refugee cessation clause*, 20 July 2016. Africanews, *Rwandan refugees status to end by December 31*, 20 July 2016. Confidential source.

381 Returnees follow a reintegration programme in which they are informed about what happened in the country. Young people receive education and vocational training. In addition, they are taught how to apply for a job with the government, where indeed many young people have found employment. Confidential source. Government of Rwanda, *Reintegration Project to benefit 5000 returnees and other vulnerable groups*, 6 May 2013.

382 Government of Rwanda, *Reintegration Project to benefit 5000 returnees and other vulnerable groups*, 6 May 2013.

383 Ibid.

384 Sources indicated that most of the Rwandans who had been convicted by a Gacaca court in absentia and were living abroad were aware of the fact that they had been convicted. Confidential source.

385 Confidential source.

386 Upon arrival at the Mutobo rehabilitation camp, they were registered and debriefed. The RDRC does not have a list of convicted genocide perpetrators. The GFTU does not have a list of the former combatants who returned. Consequently, relatively few genocide suspects who returned have been arrested. Confidential source.

387 US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015.

According to one source, those who had not been involved in the genocide did not experience any problems. Those who had been involved, do not want to return to Rwanda.[388]

The Legal Aid Forum provides legal aid to refugees who return from the DRC and Congo-Brazzaville. Many of them have been abroad for a long time and could not claim title to their land and property. These were often seized by relatives when the owners were convicted in absentia by a Gacaca court. Those who returned now demand their land back.[389] According to a source, most of the Rwandans who were convicted in absentia – and were informed about that fact by their family members – decided not to return. Those who returned without knowing that there is a file on them may be arrested to their surprise.[390] If people report genocide perpetrators who returned to the police, these perpetrators will be prosecuted. But most of the Rwandans who returned reportedly live without any problems in the community where they used to live before they fled.[391] The Rwandan government encourages Rwandans to return. If they have not been charged with anything, they are allowed to return to their *colline*.[392] In the period 2013-2014, five genocide suspects were arrested in Rwanda.[393] Reportedly, there have been no recent arrests of people who were allegedly involved in the genocide.[394]

2.6 Political Influence on the Course of Justice

In theory, the justice system is independent. However, according to sources, some political influence is exerted on criminal cases where military personnel, members of the political opposition or wealthy businessmen are involved.[395] Representatives of the judiciary deny all forms of political influence.[396] The Bar Association confirms that there is no political influence on the administration of justice.[397] Legal proceedings are open to the public, and may be attended by the media and domestic and international observers.[398]

2.7 Legal Assistance

The Rwanda Bar Association[399] was created by an Act of Parliament in 1997 (Law no. 3/97 of 19 March 1997).[400] This law was amended on 11 August 2014 and brought in line with the Bar regulations in the East African Community (EAC).[401] According to the RBA, this amendment has improved the working conditions for lawyers.[402] During the reporting period, the RBA had 1,200 members. Their fees depend on the type of work they perform.[403]

[388] Confidential source.
[389] Ibid.
[390] Ibid.
[391] Ibid.
[392] Ibid.
[393] Ibid.
[394] Ibid.
[395] Contracts are renegotiated and property and shares are confiscated to the benefit of politicians. Confidential sources.
[396] Confidential source.
[397] Ibid.
[398] Ibid.
[399] rwandabar.org.rw/.
[400] Law no. 3/97 of 19 March 1997 establishing the Bar in Rwanda.
[401] Rwanda Bar Association Regulation fixing the scale of fees for Advocates, Official Gazette no 32 of 11/08/2014.
[402] The lawyers' statutory working conditions are set out in the rules of procedure and the lawyers' fees regulations. Confidential source.
[403] For example, the fee for a 30-minute is RWF 50,000 to RWF 200,000 (EUR 62.50 – EUR 250), for a settlement agreement in writing RWF 500,000 – RWF 3,500,000 (EUR 625 – EUR 4,375), for legal assistance to someone in pretrial detention RWF 500,000 – RWF 1,000,000 (EUR 625 – EUR 1,250), legal assistance to a suspect in court RWF 700,000 – RWF 15,000,000 RWF (EUR 875 – EUR 18,700) and in the High Court RWF 1,000,000 – RWF 15,000,000 RWF (EUR 1,250 – EUR 18,700). Rwanda Bar Association Regulation fixing the scale of fees for Advocates, Official Gazette no 32 of 11/08/2014.

By law detainees are allowed access to lawyers.[404] In practice the scarcity of lawyers limited access to legal representation. The Legal Aid Forum, which consists of 37 organisations, including domestic and international NGOs, the Rwandan Bar Association, the Corps of Judicial Defenders, and university legal aid clinics, provided legal aid services to indigents and vulnerable groups, although such resources were insufficient to provide lawyers for all those in need.[405]
NGOs such as AJPRODHO and the Legal Aid Forum consult with the Ministry of Justice about the criteria for obtaining the services of a pro bono lawyer and how these criteria may be relaxed.[406]

To make the legal system more accessible to poor people and the population in the interior of Rwanda, Abunzi or local mediation committees were established.[407] See 2.2.1.

Persons who have been indicted or convicted for their role in the genocide have access to legal assistance. Both the Rwanda Bar Association and the Ministry may mediate to ensure they are assigned lawyers by the Supreme Court. Family members may also submit a request for a lawyer or choose a lawyer themselves.[408] The Ministry of Justice and the RBA have an agreement with regard to transfer cases.[409] According to sources, lawyers who provide legal assistance to Category 1 suspects or suspects in transfer cases are paid a fixed fee of RWF 15 million (EUR 18,500).[410] This fixed fee should prevent lawyers from needlessly prolonging the case.[411]

Lawyers who represent people suspected or convicted of genocide do not meet with any opposition from the government.[412] According to a source, there are occasionally problems relating to the payment of lawyers.[413]

2.8 Treatment of Genocide Suspects

There is basically no difference between the treatment of genocide perpetrators who returned from abroad and genocide perpetrators who remained in Rwanda. According to a source, all perpetrators are held accountable for their crimes, but their relatives are not considered responsible.[414] People who have resided abroad for a long time normally do not have any problems when they return. Should they have been involved in the genocide, they will be treated the same way as those who stayed in Rwanda.[415] According to a source, Rwandan refugees in other countries,

[404] In practice, few detainees can afford a lawyer. Those who are considered vulnerable are entitled to assistance from a pro bono lawyer. To get a pro bono lawyer they need to submit a written request to the Dean of the Rwanda Bar Association and they need to be in the possession of a certificate of limited means issued by the competent authorities and an active judicial file. Confidential source. US Department of State, *Country Report on Human Rights Practices 2012 - Rwanda*, 19 April 2013.
[405] US Department of State, *Country Report on Human Rights Practices 2012 - Rwanda*, 19 April 2013. US Department of State, *Country Report on Human Rights Practices 2013 - Rwanda*, 27 February 2014. US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015.
[406] A social classification system is used. Women and children are eligible, others are assessed on the basis of their income / poverty. This assessment is not made per individual, but per family. Information about this system is provided by the sector itself. Confidential source.
[407] *Bertelsmann Stiftung's Transformation Index, Rwanda 2014*, 12 February 2014.
[408] Confidential source.
[409] Ibid.
[410] This lump sum is divided among the suspect's defence team. Confidential source.
[411] Confidential source.
[412] Ibid.
[413] The Ministry of Justice does not always pay lawyers timely and properly. It may happen that lawyers withdraw themselves from a case for this reason. Sometimes clients do not accept any other lawyer so that, consequently, the trial gets stuck. Lawyers are forced to continue with the defence on penalty of fines. The New Times, *Bandora lawyers fined for contempt of court*, 26 June 2015. Confidential source.
[414] Confidential source.
[415] Ibid.

including the Netherlands, had returned temporarily to Rwanda.[416] All Rwandans who have been convicted in absentia by a Gacaca court may request a judicial review upon their return to Rwanda.[417] According to a source, no new genocide suspects were reported to the authorities or tried in the first half of 2015.[418] The Rwandan government considers it important that Rwandans return from abroad. The government set up a National Unity and Reconciliation Commission (NURC)[419].

Ndi Umunyrwanda
In late 2013 NURC launched the Ndi Umunyrwanda ('We are all Rwandans') campaign.[420] Government officials traversed the country holding discussions with local leaders, who in turn discussed the programme with the people, urging them to confront their past and reflect on their future.[421]

2.9 Released Genocide Perpetrators

Since 2014, genocide perpetrators who served their sentences have been prepared for their return to their communities and their communities have been prepared for their return. Two months before they are released, prisoners are given the opportunity to meet the authorities in their village, look up their family and meet other people from the village.[422] Perpetrators and victims are taught how the deal with one another. Victims (or their family members) who want to take revenge on the returning perpetrators risk punishment.[423]

The Situation of Survivors
It is not uncommon to find places in Rwanda where survivors of the genocide live together with members of the families of the killers of their loved ones. It is also unsurprising to find places where perpetrators who have served their punishment are living (again) next to survivors of the genocide. This also has to do with the fact that Rwanda is a small country and yet the most populated one in the whole of Africa.[424] There have been reports of ill-treatment, harm and violence against members of the Tutsi ethnic group since the genocide. In most cases, this harm was carried out by other community members, usually in the context of genocide trials through the Gacaca courts or in relation to post-Gacaca compensation claims.[425] Survivors faced threats of violence and property damage.[426]

According to IBUKA,[427] at least 168 genocide survivors were killed between 2002 and 2014. Human Rights Watch reported that the rate of killings had more than quintupled during the time of the Gacaca trials.[428] The killings of survivors mostly occurred in the southern part of the country, especially in the Karongi district.

[416] They were allowed to return to their host country and had not encountered any major problems. For instance, it was said that the Vice-Chairman of PDP Imanzi had visited Rwanda without difficulty. Confidential source. See also http://www.pdp-imanzi.org/.
[417] Applicable law: Organic Law no. 04/2012/OL.
[418] Confidential source.
[419] http://www.nurc.gov.rw/.
[420] All Africa Focus, *Rwanda: Ndi Umunyrwanda Campaign Is Being Embraced – NURC*, 28 November 2013. Confidential source.
[421] According to a source, the discussions in the Ndi Umunyrwanda campaign help genocide survivors and perpetrators forget what happened. All Africa Focus, *Rwanda: Ndi Umunyrwanda Campaign Is Being Embraced – NURC*, 28 November 2013. Confidential source.
[422] Confidential source.
[423] Ibid.
[424] IRB, *Rwanda: Reports of ill-treatment of members of the Tutsi ethnic group, in particular genocide survivors and perceived or actual government opponents*, 14 October 2014.
[425] Ibid.
[426] Ibid.
[427] IBUKA is the Rwandan genocide survivors' association. Zie http://www.ibuka.net/rwanda.html.
[428] IRB, *Rwanda: Reports of ill-treatment of members of the Tutsi ethnic group, in particular genocide survivors and perceived or actual government opponents*, 14 October 2014.

According to REDRESS,[429] the regional variation is due to the fact that the Southern Province has high rates of intermarriage between ethnic groups, which has caused intra-family tensions due to family members testifying against one another.[430] The government prosecuted individuals who had threatened or harmed genocide survivors and witnesses.[431] According to REDRESS, in the case of threats made against witnesses, in practice, aggressors that had been caught and arrested received short sentences and were often quickly released.[432]

Researchers of Tilburg University, Netherlands, found that some survivors chose to abandon their place of origin after the genocide, because they were afraid to live among the former genocide perpetrators. Others survivors indicated that, although they preferred to leave the place and live in a community in which there were more survivors like themselves, or in the capital where they could live more of an anonymous life, this was usually not a real option due to poverty.[433] According to REDRESS, some witnesses had relocated to new villages built for survivors, or to urban areas due to 'perceived greater safety' in these areas.[434]

2.10 Divisionism

According to the Rwandan government, the distinction between the Hutu and Tutsi population groups is no longer made in Rwanda. Reference to these two ethnic groups is considered 'divisionism' and is punishable.

Past events and politically motivated accusations (including accusations of divisionism) are still used, justifiably or not, against the opposition and introduced into the judicial process, but to a lesser extent than during the reporting period for the 2011 country report. In late 2014, the government reported that the prosecutions for divisionism and 'genocide ideology-related offences' had declined from 772 cases from July 2012 to July 2013 to 20 cases from January to August 2014.[435]

The Constitution provides for the eradication of ethnic, regional, and other divisions in society and the promotion of national unity. Many Rwandans know the regional or ethnic origin of their fellow Rwandans.[436] According to some critics, the decision to bar any reference to ethnic differences – which is severely punished as an offence called 'divisionism' – has taken precedence over a process of social inclusion[437] and reconciliation. The campaign for national unity and the fight against 'tribalism' is compromised by exclusiveness, privilege, nepotism, enrichment and corruption within the politically dominant circles.[438]

In June and July 2013, President Kagame and several other political leaders called for young Hutus to apologise publicly for the genocide on behalf of their parents.[439]

[429] See http://www.redress.org/.
[430] IRB, *Rwanda: Reports of ill-treatment of members of the Tutsi ethnic group, in particular genocide survivors and perceived or actual government opponents*, 14 October 2014.
[431] US Department of State, *Country Report on Human Rights Practices 2012 - Rwanda*, 19 April 2013.
[432] IRB, *Rwanda: Reports of ill-treatment of members of the Tutsi ethnic group, in particular genocide survivors and perceived or actual government opponents*, 14 October 2014.
[433] International Criminal Law Review, *The legacy of the Gacaca courts in Rwanda: Survivors' views*, 2013.
[434] IRB, *Rwanda: Reports of ill-treatment of members of the Tutsi ethnic group, in particular genocide survivors and perceived or actual government opponents*, 14 October 2014.
[435] No figures were available for the following period. US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015.
[436] Some individuals continued to accuse the government of favouring Tutsis, particularly English-speaking Tutsis, in government employment, admission to professional schooling, and recruitment into or promotion within the army. US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015.
[437] By 'social inclusion' is meant the welcoming of all people as full members of their community, in which they have the same rights, opportunities and responsibilities.
[438] *Bertelsmann Stiftung's Transformation Index, Rwanda 2014*, 12 February 2014.
[439] US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015.

The Ndi Umunyrwanda programme included as a resolution the statement that 'the genocide against Tutsis was committed in the name of Hutus, thus for the real healing of Rwandan society it is indispensable that Hutus whose name was used in the genocide crime apologise to Tutsi victims, denounce such acts and distance themselves from perpetrators, and fight clearly against the genocide ideology and ethnical divisionism.'[440]

According to critics, the current leadership conceptualises reconciliation narrowly and one-sidedly as the handling of perpetrators of the genocide and sympathisers of 'tribalism' and 'divisionism.'[441] But this is contradictory: On the one hand, the reconciliation policy of the Rwandan Patriotic Army (RPA) is based on the neglect of ethnic identities. On the other, in an August 2008 constitutional amendment, it dubbed the 1994 tragedy the 'genocide of the Tutsis'. This inconsistency explains the RPF's fervent reaction to a UN report published in October 2010 on the atrocities committed by the RPA against the Hutu refugees in the first Congo war (1996–1997). Its adamant stand on this report is in line with its refusal to investigate the crimes of the RPA both during and after the civil war of 1994–1995.[442]

Below are a few examples of the accusations of divisionism.

In February 2012, Bernard Ntaganda of the Imberakuri party was sentenced to four years in prison for threatening state security and fomenting 'divisionism' in his 2010 election campaign speeches, as well as for planning unauthorized demonstrations. The Supreme Court upheld these charges against Ntaganda in April 2012.[443] The charges related solely to his public criticisms of the government.[444]

The trial of Victoire Ingabire, president of the FDU-Inkingi party, began in September 2011. She was accused of engaging in terrorist acts, genocide ideology, divisionism and spreading rumours intended to incite the public to rise up against the state. Ingabire's trial ended in October 2012 with an eight-year prison sentence.[445] In late 2013, the Supreme Court upheld the conviction and increased her prison term to 15 years.[446]

Agnès Uwimana and Saidati Mukakibibi, journalists writing for the newspaper *Umurabyo*, were arrested in 2010 and were respectively sentenced to seventeen and seven years in prison in February 2011 in connection with articled they had written in their newspaper.[447] Mukakibibi was convicted of defamation, inciting public disorder, and divisionism; Uwimana was convicted of incitement to civil disobedience, contempt for the head of state, spreading rumours to cause public

[440] Several observers noted these proposals suggested that the Hutu ethnic group was collectively responsible for the genocide and contributed to the exacerbation of ethnic tension. Schools, local governments, and other groups utilized the Ndi Umunyarwanda programme. US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015.

[441] According to critics, they thus want to sidetrack leaders outside the 'Uganda elite' (the core of the RPF is formed by English speaking Tutsis who returned to Rwanda from Uganda).

[442] Critics say that, in retrospect, it appears that the current leadership has never been willing to seek inclusive reconciliation. The Guardian, *Delayed UN report links Rwanda to Congo genocide*, 1 October 2010. The New Times, *A Critical Analysis of the UN Mapping Report*, 14 October 2010. UNSC, S/2010/596, 29 November 2010. Great Lakes Policy Forum, *Congo: The UN Mapping Report and the Responsibility to Justice*, 2 December 2010. *Bertelsmann Stiftung's Transformation Index, Rwanda 2014*, 12 February 2014.

[443] Freedom House*, Freedom in the World 2013 - Rwanda*, January 2013.

[444] Human Rights Watch, *World Report 2013 - Rwanda*, 31 January 2013.

[445] Freedom House, *Freedom in the World 2013 - Rwanda*, January 2013.

[446] BBC News, *Victoire Ingabire: Rwanda leader's jail term raised*, 13 December 2013.

[447] The pair had been convicted for opinion pieces that criticised government officials and challenged the official interpretation of the 1994 genocide. Freedom House, *Freedom of the Press 2014 - Rwanda*, 1 May 2014.

disorder, denying the genocide, and likening President Kagame to Adolf Hitler.[448] On 5 April 2012, the Supreme Court reduced their sentences to four and three years, respectively. It dropped charges of minimisation of the 1994 genocide and divisionism against Uwimana.[449] Saiditi Mukakibibi was released in June 2013.[450] Agnes Uwimana was released in June 2014. Uwimana reopened *Umurabya* upon her release.[451]

On 14 November 2012, the Gasabo Intermediate Court in Kigali sentenced Stanley Gatera, editor of the newspaper *Umusingi*, to one year in prison and fines of RWF 100,000 Rwandan francs (EUR 160) for inciting divisionism and gender discrimination in an opinion column published in June 2012. The prosecutor said in court that the article broke the country's laws about referring to ethnic identities; the article suggested men may regret marrying a Tutsi woman solely for her beauty.[452] An appellate court upheld the sentence in March 2013.[453] On 26 July 2013, Stanley Gatera was released from prison. Following his release, Gatera restarted his newspaper *Umusingi*, which had been on hiatus during his prison term, and published an account of his stay in prison.[454] Gatera was arrested in April 2014 and accused of corruption.[455] He was released after the intervention of the Rwanda Media Commission (RMC). Gatera denied the bribery accusation that had been brought against him.[456]

2.11 Genocide Ideology Legislation

In July 2013, amendments to a vague 2008 law against 'genocide ideology' were passed.[457] The revised law came into effect in August 2013.[458] The new law introduced international definitions for genocide[459] and narrowed the scope of what constitutes 'genocide ideology' and related offences to a more specific range of actions and statements. Specifically, the new law states that 'genocidal ideology' must be clearly linked to specific acts or statements, rather than the broader 'aggregate of thoughts' standard defined in the 2008 law.[460]

[448] US Department of State, *Country Report on Human Rights Practices 2012 - Rwanda*, 19 April 2013. Amnesty International, *The State of the World's Human Rights - Rwanda*, 23 May 2013.

[449] The Supreme Court upheld charges of endangering national security against both women, and a charge of defamation against Uwimana. Human Rights Watch, *World Report 2013 - Rwanda*, 31 January 2013.

[450] CPJ, *Two journalists released from prison in Rwanda*, 9 August 2013. US Department of State, *Country Report on Human Rights Practices 2013 - Rwanda*, 27 February 2014. Freedom House, *Freedom of the Press 2014 - Rwanda*, 1 May 2014.

[451] RSF, *Rwanda - Information hero Agnès Uwimana Nkusi finally released*, 18 June 2014. US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015.

[452] Gatera, who defended himself in court, said the newspaper had run an apology in a subsequent issue; however, police called it a 'denial of wrongdoing'. CPJ, *Attacks on the Press*, 14 February 2013. US Department of State, *Country Report on Human Rights Practices 2012 - Rwanda*, 19 April 2013.

[453] Freedom House, *Freedom in the World 2014 - Rwanda*, 23 January 2014.

[454] US Department of State, *Country Report on Human Rights Practices 2013 - Rwanda*, 27 February 2014.

[455] Gatera said the police had accused him of threatening to write about a tavern owner who failed to observe the 20-year anniversary of the genocide if the owner did not pay Gatera a bribe. According to freedom of speech group Article 19, Gatera was arrested and charged with attempted extortion after an unidentified person handed him an envelope in a café. Committee to Protect Journalists, *Legacy of Rwanda genocide includes media restrictions, self-censorship*, 8 December 2014.

[456] Gatera said he was set up after giving an interview to Al-Jazeera television on media freedom. Warned by contacts in the police after his release that he was going to be killed, Gatera fled the country. Committee to Protect Journalists, *Legacy of Rwanda genocide includes media restrictions, self-censorship*, 8 December 2014.

[457] Freedom House, *Freedom in the World 2014 - Rwanda*, 23 January 2014.

[458] LAW No. 84/2013 OF 11/09/2013 ON THE CRIME OF GENOCIDE IDEOLOGY AND RELATED OFFENCES.

[459] Article 3 of the law defines genocide ideology as follows: 'Genocide ideology is a deliberate act, committed in public, whether orally, written or video or by any other means, which may depict ethnic, religious, or racial bias with the aim of advocating for the commission of genocide or supporting genocide.' Genocide ideology is further elaborated in the subsequent articles as dehumanizing an individual or a group with the same characteristics by threatening, intimidating, defaming, inciting hatred, negating the genocide, taking revenge, altering testimony or evidence, killing, planning to kill, or attempting to kill someone. US Department of State, *Country Report on Human Rights Practices 2013 - Rwanda*, 27 February 2014. US State Department*, Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015.

[460] US Department of State, *Country Report on Human Rights Practices 2013 - Rwanda*, 27 February 2014. US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015.

The law prohibits the propagation of ideas based on 'ethnic, regional, racial, religious, language, or other divisive characteristics.' Public incitement to 'genocide ideology' or 'divisionism', which includes discrimination and sectarianism, is punishable by five to nine years in prison (the maximum sentence in the old law was 25 years) and fines of RWF 100,000 to RWF 1 million (EUR 125 to EUR 1,250).[461] Nevertheless, the law still restricts freedom of expression by retaining the notion of 'genocide ideology' as a criminal offence and by excluding a clear distinction between a private conversation and public speech.[462] International human rights organisations aver that the laws are used to silence dissent and any form of opposition to the government's policies.[463] After the new law came into force, the number of controversial cases decreased. Reports of genocide-related crimes and genocide ideology are particularly made during the week from 7 to 13 April when the genocide is commemorated. In 2014, forty reports were made during commemoration week.[464]

Contempt and Spreading False Information

The new Penal Code, which was signed into law in May 2012, expanded former provisions that prohibited the display of contempt for the head of state or other high-level public officials with sentences of one to two years in prison and fines of RWF 50,000 to RWF 500,000 (EUR 62 to EUR 620). Slander of foreign and international officials and dignitaries remains illegal, with sentences of one to three years in prison. The 2012 penal code revised the crime of 'spreading rumours aimed at inciting the population to rise against the regime' to 'spreading false information with intent to create a hostile international opinion against the Rwandan state,' with much more severe penalties, including life in prison for acts committed during wartime and seven to 10 years in prison for acts committed during peacetime.[465]

The government's enforcement of laws against genocide ideology, divisionism, and spreading false information with intent to create a hostile international opinion against the state discouraged debate or criticism of the government and resulted in occasional detentions.[466] The laws continued to discourage citizens from expressing viewpoints that might be construed as promoting societal divisions.[467]

Media Legislation

A set of five media laws passed in 2013 granted greater press freedoms but had no discernible effect on press freedom.[468] Under these laws, professional journalists no longer are required to hold a journalism degree. The Media High Council, which previously had the power to suspend newspapers, was given a 'capacity-building' role. The laws established the Rwanda Media Commission (RMC), a self-regulatory body to oversee the media[469] and accredit journalists.[470]

[461] International and local human rights organisations, including HRW and LIPRODHOR, welcomed the revised law while expressing concern that, despite clearer protections and narrower definitions, the law still could be used by the government to restrict freedom of speech and the press. US Department of State, *Country Report on Human Rights Practices 2013 - Rwanda*, 27 February 2014. US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015.

[462] Freedom House, *Freedom on the net 2013 – Rwanda*, 3 October 2013. Human Rights Watch, *World Report 2014 - Rwanda*, 21 January 2014. Freedom House, *Freedom on the Net – Rwanda 2013-2014*, 31 October 2014.

[463] *Bertelsmann Stiftung's Transformation Index, Rwanda 2014*, 12 February 2014.

[464] RNA, *Man arrested for allegedly propagating Genocide Ideology*, 30 June 2015.

[465] US Department of State, *Country Report on Human Rights Practices 2012 - Rwanda*, 19 April 2013. US Department of State, *Country Report on Human Rights Practices 2013 - Rwanda*, 27 February 2014.

[466] Ibid.

[467] *Bertelsmann Stiftung's Transformation Index, Rwanda 2014*, 12 February 2014.

[468] Nº 03/2013 of 08/02/2013 Law determining the responsibilities, organisation, and functioning of the Media High Council (MHC). See also The Guardian, *Rwandan media under attack despite new press laws*, 20 March 2013.

[469] The Rwanda Media Commission has the task of ensuring that journalists adhere to ethical standards in the media. At the end of the reporting period, the RMC had no legal personality, which caused problems with receiving donor funds and banking. Confidential source.

Under the 2013 media laws, journalists must refrain from reporting items that violate 'confidentiality in the national security and national integrity' and 'confidentiality of judicial proceedings, parliamentary sessions, and cabinet deliberations in camera'. The laws provide journalists the freedom to investigate, express opinions, and 'seek, receive, give, and broadcast information and ideas through any media'. The laws restrict these freedoms if journalists 'jeopardise the general public order and good morals, an individual's right to honour and reputation in the public eye and to the right to inviolability of a person's private life and family.' Authorities may seize journalists' material and information if a 'media offence' occurs but only if a court orders it. Courts may compel journalists to reveal confidential sources in the event of an investigation or criminal proceeding.[471]

Despite these reforms, media professionals reported that government officials sought to influence reporting and warned journalists against reporting information deemed sensitive or critical of the government. The government frequently interfered in the work of the ostensibly independent RMC.[472] The police and the SSF at times detained and harassed journalists, such as in April and May during a security operation focused on alleged networks of RNC and FDLR supporters.[473] According to observers, it is particularly the English language media that conform to government policy. In the Kinyarwanda language media – particularly at local radio stations – there is more room for analysis, diversity of opinion and criticism.[474]

BBC Service

On 24 October 2014, the Rwanda Utilities Regulatory Authority (RURA) shut down radio frequencies carrying the BBC's Kinyarwanda service following the documentary *Rwanda's Untold Story* about the Rwandan genocide that BBC Two broadcast in the United Kingdom on 1 October 2014.[475] In this documentary, members of the Rwanda National Congress (RNC) in exile accused President Kagame and the RPF of involvement in mass murder. The government and Rwandan civil society groups alleged that the documentary constituted a denial of the genocide, which is a crime under Rwandan law.[476] Fred Muvunyi, the chairman of the RMC,[477] criticised the contents of the documentary but opposed suspending the BBC.[478]

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[470] US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015.

[471] Ibid.

[472] Ibid.

[473] Ibid.

[474] Confidential source.

[475] BBC Kinyarwanda is an informative and popular radio programme and an important daily source of news for many Rwandans. RURA, a body which by law is exclusively charged with technical aspects such as the distribution of radio frequencies, was summoned by the government to take on the role of media watchdog and 'decided' to shut down BBC Kinyarwanda pending an investigation into complaints of Rwandans. This decision was contrary to the laws on media self-regulation. The exact powers of RURA still need to be worked out in a Prime Minister's Order. Confidential source. US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015.

[476] Protest letters from genocide survivors to the BBC and detailed criticism of the documentary from scientists and other Rwandan experts (including Romeo Dallaire, the UN commander who was at the head of a UN peacekeeping mission in Rwanda in 1994) were followed by public condemnations by President Kagame and Foreign Minister Mushikiwabo. During a session in Parliament dedicated to the documentary, senators condemned the documentary and the BBC for broadcasting it. Confidential source.

[477] After working for state-owned media and then sitting on the board of the Association of Rwandan Journalists, Muvunyi was appointed president of the RMC in September 2013. RSF, *Rwanda - What lies behind the indefinite ban on the BBC*, 2 June 2015.

[478] According to Muvunyi the BBC's radio programmes had nothing to do with the British TV reports broadcast from London. When the RMC protested against the process of suspension, it was accused of treason and its members were subjected to threats and intimidation. These threats continued until February, when the prime minister transferred the responsibilities of the RMC, an independent body, to the RURA, which was under his direct control. At the end of the reporting period, the RMC still had no new president. RSF, *Rwanda - What lies behind*

On 19 November 2014 a commission of inquiry, headed by former Prosecutor General Martin Ngoga, began investigations into these allegations against the BBC.[479] The commission said in a report released on 28 February 2015 that 'the BBC, in general, abused press freedom and free speech, violated its own editorial guidelines, transgressed journalistic standards, and violated Rwandan law, with particular reference to genocide denial and revisionism, inciting hatred, and divisionism among Rwandans.'[480]

On 29 May 2015, RURA indefinitely suspended the BBC Kinyarwanda service.[481] In May 2015, the Rwanda Governance Board prevented the RMC from publishing a report on the state of the media in Rwanda that had been drafted by international experts with funding from the United Nations Development Programme (UNPD).[482]

In 2015, there were 53 newspapers, journals, and other publications registered with the government, although fewer than 10 published regularly. Sporadically published independent newspapers maintained positions both in support of and contrary to or critical of the government. There were 27 radio stations (six government-owned and 21 independent).[483] At the end of the reporting period there were 10 Rwandan television stations. The Rwanda Broadcast Agency (RBA) is officially no longer the state broadcaster, but it is still struggling to adjust to its new role as a public broadcaster.[484]

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the indefinite ban on the BBC, 2 June 2015. US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015. Confidential source.

479 Human Rights Watch, *World Report 2015 - Rwanda*, 29 January 2015.

480 Many Rwandans still mourn in silence the loved ones they lost at the hands of the RPF or as a by reprisals during the liberation war in 1994, or in the following years, when Kagame took forceful action against supporters of the genocide perpetrators who kept their genocide agenda alive by nightly raids from neighbouring Zaire (now DRC). This grief is still taboo in Rwanda, and the victims of the RPF were never recognised or officially buried, and may not be publicly commemorated. The BBC documentary focused on this grief, among other things. Confidential source. RSF, *Rwanda - BBC broadcasting in Rwanda under threat*, 4 March 2015.

481 Human Rights Watch, *World Report 2016 - Rwanda*, 27 January 2016.

482 RSF, *Rwanda - What lies behind the indefinite ban on the BBC*, 2 June 2015.

483 US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015.

484 Confidential source.

3 Detention

3.1 General Situation

As regards prison conditions, the situation has generally improved since the previous country report on Rwanda.[485] The prison system was designed for 54,700 prisoners. At the end of 2012, the prison population was 55,618 but this steadily declined to approximately 54,000 in 2015.[486] The majority of the prison population (about 80%) comprised of people convicted of genocide-related crimes.[487] Authorities generally separated pretrial detainees from convicted prisoners, although there were numerous exceptions due to the large number of detainees awaiting trial.[488] Prison and detention centre conditions were harsh, although the government made numerous improvements during 2012.[489] There were fires in two prisons in 2014.[490]

The Ministry of Internal Security (MININTER) implemented a 2011 directive taking full responsibility to provide food for prisoners through contracted cafeteria services, canteens, and prison gardens. Family members were permitted to supplement the diets of vulnerable prisoners with health issues. Ventilation and temperature conditions improved as overcrowding continued to decline.[491]

Recordkeeping on prisoners and detainees remained inadequate during the reporting period, but authorities took steps in 2012 to transfer paper files to an electronic database. The Rwanda Correctional Service (RCS) provided additional training to its staff on the shift from penal to rehabilitative detention as it coped with the July 2011 merger of the National Prisons Service and the Works for General Interest (TIG) community service programme for perpetrators of the genocide.[492] In May 2012, the government amended the penal code to allow community service as alternative sentencing for misdemeanours and petty offences.[493]

[485] The construction of new prisons after 2005 led to an improvement in prison conditions, even after the prison population increased as a result of the Gacaca judgments. In 2012 and subsequent years, there were further improvements in the treatment of the overall prisoner population. Overcrowding further declined over 2013 and 2014. US Department of State, *Country Report on Human Rights Practices 2012 - Rwanda*, 19 April 2013. US Department of State, *Country Report on Human Rights Practices 2013 - Rwanda*, 27 February 2014. US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015. Freedom House, *Freedom in the World 2015 - Rwanda*, 28 January 2015.

[486] US Department of State*, Country Report on Human Rights Practices 2012 - Rwanda*, 19 April 2013. US Department of State, *Country Report on Human Rights Practices 2013 - Rwanda*, 27 February 2014. US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015. Confidential source.

[487] The approximately 10,000 people held in pretrial detention were not included, so the actual population was higher. If the 1994 genocide had not occurred, there would have been fewer than 20,000 inmates in 2015. The population continues to decline as genocide perpetrators are released or die in detention. Confidential source.

[488] US Department of State*, Country Report on Human Rights Practices 2012 - Rwanda*, 19 April 2013. US Department of State, *Country Report on Human Rights Practices 2013 - Rwanda*, 27 February 2014. US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015.

[489] Ibid.

[490] On 4 June 2014, a fire in the Muhanga Prison destroyed part of the prison structure and inmates' belongings. On 7 July 2014, a fire destroyed one of the four cellblocks at the Rubavu Prison. The RCS stated that five inmates died and more than 40 were injured in the fire. The RCS investigation of both fires determined that wiring illegally installed by prisoners to power cooking stoves had overheated. US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015.

[491] US Department of State, *Country Report on Human Rights Practices 2012 - Rwanda*, 19 April 2013. US Department of State, *Country Report on Human Rights Practices 2013 - Rwanda*, 27 February 2014. US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015.

[492] TIG stands for *Travail d'Intérêt Général* (Works for General Interest). The authorities allowed most of the convicted prisoners (those who had confessed their genocide crimes) to return to their families, to complete the community service part of their sentence first. Subsequently, they had to serve their prison sentence.

[493] US Department of State, *Country Report on Human Rights Practices 2012 - Rwanda*, 19 April 2013. US Department of State, *Country Report on Human Rights Practices 2013 - Rwanda*, 27 February 2014. US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015.

Unannounced inspections by staff from the Ministry of Internal Security during the reporting period led to improved recordkeeping and treatment of prisoners, while periodic monitoring by the Ministry of Defence led to a reduction in reported physical violence at military detention facilities.[494]

Under its strategic plan for 2012-17, the Rwanda Correctional Service (RCS) undertook renovations of some of the 14 existing prison facilities and continued construction of Butamwa Prison, which was scheduled to replace Kigali Central '1930' Prison upon completion.[495] As part of the shift to rehabilitative detention, RCS had 2,848 regular prisoners and 650 TIG camp prisoners in vocational training programmes at the end of 2012. Also, 4,432 regular prisoners and 849 TIG camp prisoners were participating in literacy and language education.[496] Detention conditions had somewhat improved by the end of the reporting period.[497]

Arrest and Detention
The Constitution and law prohibit arbitrary arrest and detention, but SSF personnel regularly arrested and detained persons arbitrarily and without due process.[498]

The new penal code signed into law in May 2012 provides that pretrial detention, illegal detention, and administrative (custodial) sanctions be fully deducted from the duration of penalties imposed. It allows judges to impose on SSF and other government officials who unlawfully detain individuals a detention of equivalent duration and fines.[499]

The law permits investigative detention if authorities believe public safety or national security is threatened or if the accused might flee, and judges interpreted these provisions broadly.[500] The National Human Rights Commission (NHRC) reported to parliament in November 2013 that authorities often detained prisoners for extended periods without arraignment.[501]

Despite progress in shortening pretrial detention in the majority of cases, there were reports of lengthy pretrial detention and illegal detention of defendants charged with

[494] Domestic and international human rights organisations reported numerous instances of long delays and failures to locate prisoners and detainees. There were reports of forgotten detainees and of prisoners who remained incarcerated beyond their release date due to misplaced records. US Department of State, *Country Report on Human Rights Practices 2012 - Rwanda*, 19 April 2013. US Department of State, *Country Report on Human Rights Practices 2013 - Rwanda*, 27 February 2014.

[495] US Department of State, *Country Report on Human Rights Practices 2012 - Rwanda*, 19 April 2013. US Department of State, *Country Report on Human Rights Practices 2013 - Rwanda*, 27 February 2014.

[496] US Department of State, *Country Report on Human Rights Practices 2012 - Rwanda*, 19 April 2013.

[497] US Department of State, *Country Report on Human Rights Practices 2015 - Rwanda*, 13 April 2016.

[498] Police arbitrarily arrested members of opposition parties, journalists, and members of Jehovah's Witnesses in 2012. According to the RCS, 3,560 men, 343 women, and 49 juveniles (43 of them male) were in pretrial detention at the end of 2012. The government generally did not respect the right to habeas corpus. US Department of State, *Country Report on Human Rights Practices 2012 - Rwanda*, 19 April 2013. US Department of State, *Country Report on Human Rights Practices 2013 - Rwanda*, 27 February 2014. US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015.

[499] Such detention must be reviewed by a judge every 30 days and may not extend past one year, but in practice SSF held numerous suspects indefinitely after the first authorisation of investigative detention. The government attributed such continued detention to judicial backlog and delays in obtaining a court date, and said investigations generally were completed within 30 days. The law still does not provide for compensation for those acquitted. US Department of State, *Country Report on Human Rights Practices 2012 - Rwanda*, 19 April 2013. US Department of State, *Country Report on Human Rights Practices 2013 - Rwanda*, 27 February 2014. US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015.

[500] The law permits the detention of genocide suspects until they face trial; 85 persons charged with genocide remained in pretrial detention at the end of 2012. US Department of State, *Country Report on Human Rights Practices 2012 - Rwanda*, 19 April 2013.

[501] The NHRC report noted authorities held three individuals--Louis Rurangwa, Leodomir Ngarambe, and Celestin Minirarora--since their arrests in 1994 and 1995 without presentation to a court, although the Justice Ministry denied that any prisoners were incarcerated without trial. US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015.

threatening state security ('undermining national defence' in the penal code), terrorism, genocide ideology, divisionism, defamation, contempt for the head of state, and other security-related crimes.[502] Such cases were also more likely to experience repeated delays after trials began.[503]

Defendants sometimes remained in prison after serving their sentences while waiting for an appeal date or due to problems with prison records.[504]

3.2 Detention Conditions

In discussing detention conditions, a distinction must be made between prisons, which are part of the Rwanda Correctional Service (RCS), transit centres, and police and military detention centres.

3.2.1 Prisons

In principle, all prisoners are subject to the same regime.[505] Convicted genocide perpetrators and prisoners convicted of offences under general criminal law share the same accommodations. Because many genocide perpetrators - which make up the majority of the prison population - were sentenced to long sentences, the prison population is ageing. Elderly prisoners have their own accommodations, where younger prisoners look after them.[506] Prisoners are prepared for their return to society. Those who have nearly served their sentences are often given the opportunity to work outside the prison walls.[507]

According to the RCS, each prison had dormitories, toilets, sports facilities, a health-care centre, a guest hall, a kitchen, water, and electricity.[508] Prisoners and detainees have weekly access to visitors, and authorities permitted religious observance.[509] Lawyers have access to their clients during office hours, for which they do not need to make an appointment in advance.[510] Prison staff held regular meetings with prisoners and detainees to listen to inmates' complaints and took action to resolve them when possible.[511] The prison authorities outsource as many tasks as possible to detainees.[512]

[502] From March to September, members of opposition parties alleged that police detained and held incommunicado more than 200 individuals suspected of links to the FDLR; many individuals were later released without charge.

[503] US Department of State, *Country Report on Human Rights Practices 2012 - Rwanda*, 19 April 2013. US Department of State, *Country Report on Human Rights Practices 2013 - Rwanda*, 27 February 2014. US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015.

[504] Ibid.

[505] By way of exception, those held in pretrial detention and prisoners serving life sentences were not employed in work programmes outside prison. Confidential source.

[506] When such prisoners require the care of their family (because of the approaching end of life), the prison governor may make a recommendation to a court of law to release them, so that they can be cared for by their families. Confidential source.

[507] Confidential source.

[508] US Department of State, *Country Report on Human Rights Practices 2012 - Rwanda*, 19 April 2013. US Department of State, *Country Report on Human Rights Practices 2013 - Rwanda*, 27 February 2014. US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015.

[509] Authorities generally allowed family members prompt access to detained relatives unless they were held at intelligence-related detention centres such as Kami or Kwa Gacinya or in safe houses. US Department of State, *Country Report on Human Rights Practices 2012 - Rwanda*, 19 April 2013. US Department of State, *Country Report on Human Rights Practices 2013 - Rwanda*, 27 February 2014. US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015.

[510] Upon entering, they complete a form and present their membership card of the Rwandan Bar Association. After the governor or his deputy has signed the form for approval, lawyers are allowed to speak to their clients in the same room where the family visits take place. Confidential source.

[511] US Department of State, *Country Report on Human Rights Practices 2012 - Rwanda*, 19 April 2013. US Department of State, *Country Report on Human Rights Practices 2013 - Rwanda*, 27 February 2014.

[512] Confidential source.

Inmate Governance
A Rwandan prison is largely based on the principles of self-reliance and self-sufficiency. For example, prisoners grow a large part of their food themselves. Prisoners are also responsible for the layout of the large open dormitories and the cleaning of these and other communal areas. They have various committees in place that regulate these tasks. Prison staff (guards and social work department) ensure compliance with hygiene requirements.[513]

Like Rwandan society, each prison is divided into sectors - each sector is divided into seven 'cells' and each 'cell' has four 'villages'.[514] The inmate structure of the prison sector is as follows:[515]

Head of the board, secretary, head of the 'cell', leaders of the 'villages', legal advice department[516], social work department, police unit, education unit, medical unit, sports and culture department, hygiene, horticulture.[517]

Incoming detainees are examined in a prison clinic to see if they have chronic illnesses or require medication.[518] Next, they are registered in the electronic case management system. This system sends the administrator release date alerts to ensure prisoners do not stay too long in custody or detention.[519]

All wings have bathrooms. There are classrooms and workshops for weaving, sewing, handicraft and furniture making. Other activities include agriculture and horticulture, sports, construction, car repair, music, dance and drama, and reading and writing.

There are TVs and prisoners are at least allowed to watch the news and football games. Primary and secondary education is provided, as well as informative courses on NDI Umunyrwanda, Rwandan history, culture, government programmes, and human rights. After completion of a course, the participants receive diplomas.[520]

Men and women are housed in separate wings, but come together to perform activities and work. Thus they can earn money, which is deposited in their bank accounts.[521] The canteen serves fresh fruit and ready meals. The canteen is always open. Friday is general visiting day. Those who are on a special diet may have visitors on any day of the week. On Wednesday, the prisoners are visited by social workers. Children may visit their parents and relatives on the first Saturday of each month.[522]

Below are three examples of prisons with a large population of genocide perpetrators: Central '1930' Prison in Kigali (oldest prison), Gasabo Prison in Kigali, and Mpanga Prison in southern Rwanda (most modern prison).[523]

[513] Ibid.
[514] Ibid.
[515] Ibid.
[516] The legal advice department assists prisoners with writing letters to the Rwanda Bar Association if they want to apply for a pro bono lawyer, or may refer them to an individual lawyer. A special room where prisoners can speak with their lawyers is available from Monday to Friday.
[517] Confidential source.
[518] They are tested for HIV, tuberculosis and malaria.
[519] Confidential source.
[520] Ibid.
[521] The maximum is RWF 20,000 RWF per person.
[522] Confidential source.
[523] Mpanga Prison was described in detail in the country report of November 2011.

Central '1930' Prison

The Central '1930' Prison has four wings: a men's wing, a women's wing, a high risk wing,[524] and a juvenile wing.[525] The 1930 prison was originally built for 2,500 prisoners. In mid-2015, approximately 3,000 prisoners were staying in the main wing, the men's wing.[526] The women's wing, which was added later, has a capacity for 500 women. The 1930 prison's infrastructure is rather outdated. A new prison called Butamwa Prison is being built at a location 17 kilometres outside Kigali. This new prison will be able to house 8,000 to 10,000 prisoners.[527]

Gasabo Prison

Gasabo Prison, the former Kimironko prison, has a capacity for approximately 6,000 prisoners.[528] In mid-2015 it had a population of nearly 5,000 inmates, half of them were genocide perpetrators. Genocide perpetrators serve on average much longer sentences than prisoners who have been convicted of other crimes. The largest cohort of about 1,700 prisoners consists of genocide perpetrators serving sentences between 16 and 42 years. About 300 prisoners are serving life sentences. [529] Nearly 200 genocide perpetrators are now over 70 years old.[530]

Mpanga Prison

Mpanga Prison has a capacity for 7,500 inmates. In July 2015, 7,402 prisoners were staying here, including 6,469 genocide perpetrators. More than 2,000 of them had been given life sentences.[531]

Many of those who received lower sentences have now served their sentences and are about to be released. In June 2015, 77 genocide perpetrators were released.[532] All female prisoners in Mpanga Prison, including those who were given life sentences, were transferred to Nyamagabe Prison in 2014. The group of elderly prisoners was subsequently housed in the former women's wing. They are allowed to interact with each other, and eat and play games together.[533] In mid-2015, there were 1,500 to 1,700 prisoners aged 70 and over in Mpanga Prison. There is a vegetable garden especially for elderly prisoners who require a special diet. Seven elderly inmates died in June 2015.[534] Mpanga Prison has an international wing for transfer cases. See further section 3.3 below.

3.2.2 Transit and Rehabilitation Centres

Throughout 2014, hundreds of men, women, and children – many of them street children, commercial sex workers, or street hawkers – were detained unlawfully, without charge or trial, in very poor conditions in the Gikondo Transit Centre, an unrecognised detention centre commonly known as Kwa Kabuga, in the Gikondo area of Kigali. Many were beaten by police officers, or by other detainees in the presence of police officers.[535] The Gikondo Transit Centre continued to operate during the reporting period despite a Senate committee's 2008 call for its closure

[524] The high-risk wing houses Rwandan genocide perpetrators who were transferred from abroad.
[525] There is a small group of underage prisoners. They go to school, take exams and may obtain diplomas.
[526] The number of prisoners is gradually declining as more and more genocide perpetrators have served their sentences. In mid-2015 there were 827 genocide perpetrators incarcerated in the 1930 prison.
[527] Confidential source.
[528] Gasabo Prison holds only adult men. Nearly 700 are held in pretrial detention. Confidential source.
[529] Half of them are ordinary lifers, the other half had been sentenced to death, but received life after the abolition of the death penalty. Confidential source.
[530] Confidential source.
[531] Genocide perpetrators incarcerated in Mpanga Prison were sentenced to 19, 25, 30 years, life or death (which will not be executed). Confidential source.
[532] Confidential source.
[533] Ibid.
[534] Ibid.
[535] Human Rights Watch, *World Report 2015 - Rwanda*, 29 January 2015.

due to substandard conditions.[536] The government disputed reports of abuse, and stated that Gikondo operated as a centre for emergency social assistance that referred petty criminals, delinquent youth, and street children to rehabilitation programmes.[537] Unlike in previous years, children were no longer detained in Gikondo in 2015. New directives by Kigali City Council were published in the Official Gazette on 1 November 2015, setting out the mission and organisation of the Kigali Rehabilitation Transit Centre (the official name for the Gikondo centre).[538]

Two other transit centres operated under the management of the Ministry of Gender and Family Promotion (MIGEPROF).[539] Hundreds of male transit centre detainees and at-risk youth were transferred to the Iwawa Rehabilitation and Vocational Development Centre[540] on Iwawa Island, where substandard sanitation and nutrition resulted in disease outbreaks and several deaths in 2012. During 2012 there were reports of individuals drowning while attempting to escape. There were also reports that the RDF recruited individuals from Iwawa to join the M23 armed group in the DRC.[541] In 2013, sanitation and nutrition were still substandard on Iwawa Island.[542] During 2014 sanitation, nutrition, and health services improved on Iwawa Island and generally met international standards.[543]

3.2.3 Police and Military Detention Centres

During the reporting period, people – especially people suspected of anti-state activities – were held in in unrecognised police or military detention centres.[544] Conditions in police and military detention centres varied. Overcrowding was common in police detention centres, and poor ventilation often led to high temperatures. Provision of food and medical care was inconsistent, and some detainees claimed to have gone for several days without food. There were complaints regarding inadequate sanitation in some detention centres, and not all detention centres had toilets. There were numerous reports of substandard conditions for civilians held in military detention centres.[545] In 2012, the State Security Forces (SSF) increasingly used safe houses to detain and interrogate

[536] US Department of State, *Country Report on Human Rights Practices 2012 - Rwanda*, 19 April 2013. US Department of State, *Country Report on Human Rights Practices 2013 - Rwanda*, 27 February 2014. US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015.

[537] Human Rights Watch, *World Report 2015 - Rwanda*, 29 January 2015. US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015.

[538] A commission will decide, within 72 hours, whether to keep detainees in the centre for an unspecified 'short period' or transfer them to the judicial police, a re-education centre, back to their families or another location. Transfers should take place within 14 days of that decision. The directives list the rights of those taken to the centre, including the rights to health care, visits and not to be subjected to corporal punishment. Human Rights Watch, *World Report 2016 - Rwanda*, 27 January 2016.

[539] US Department of State, *Country Report on Human Rights Practices 2012 - Rwanda*, 19 April 2013. US Department of State, *Country Report on Human Rights Practices 2013 - Rwanda*, 27 February 2014. US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015.

[540] The Iwawa Rehabilitation and Vocational Development Centre on Iwawa Island provided six months' psychotherapy and then six months' vocational and technical training to approximately 1,500 men between the ages of 18 to 35, most of whom were homeless or petty criminals whom transit centres, local officials, or family members referred. Parents were able to visit their adult children at Iwawa. US Department of State, *Country Report on Human Rights Practices 2013 - Rwanda*, 27 February 2014.

[541] US Department of State, *Country Report on Human Rights Practices 2012 - Rwanda*, 19 April 2013.

[542] US Department of State, *Country Report on Human Rights Practices 2013 - Rwanda*, 27 February 2014.

[543] The government built a medical centre that provided acute care and mental health services, significantly improving the living conditions on the island. In 2014 parents were able to visit their adult children at Iwawa. US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015.

[544] Detention centres that were not part of the Rwanda Correctional Service. Detainees often had no access to family or lawyers. Amnesty International, *Annual Report 2014/15 - Rwanda*, 25 February 2015.

[545] US Department of State, *Country Report on Human Rights Practices 2012 - Rwanda*, 19 April 2013. US Department of State, *Country Report on Human Rights Practices 2013 - Rwanda*, 27 February 2014. US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015.

'security' detainees and military officials accused of insubordination. In 2013 and 2014, the SSF continued to use these unrecognised detention facilities.[546]

Kwa Gacinya Detention Centre
There were numerous new reports during 2012 of detainee abuse and lengthy illegal detention by police intelligence at the Kwa Gacinya detention centre in Kigali, despite government assertions that the centre had been closed. Former detainees told HRW they were detained in isolation and repeatedly beaten by police intelligence with plastic batons or bare hands to secure information and force confessions. There were fewer of such reports after 2012.[547]

3.3 Detention of Genocide Perpetrators

Those who are detained for their role in the genocide are not treated differently than other detainees. Expelled asylum seekers suspected of Article 1F crimes are also not treated differently than other detainees, with the exception of Léon Mugesera, who falls under the transfer regime (see below).[548]

There is a special regime for transfer cases. 'International' genocide suspects are held in a special, comfortable maximum security wing of the Central '1930' Prison.[549] In July 2015, five prisoners were held in the high-risk wing of this prison. They are allowed to watch TV and use their computers, and have their own kitchen.[550]

After their conviction, they are transferred to Mpanga Prison. The much better conditions they enjoy are prescribed by the Transfer Law.[551]
The government continued to hold eight prisoners of the Special Court for Sierra Leone in a purpose-built wing of Mpanga Prison, which the UN deemed met international standards for incarceration of prisoners convicted by international criminal tribunals.[552] Charles Bandora, who was extradited by Norway, is also held in this wing. Bandora has been sentenced to 30 years in prison. He is staying in a spacious, comfortable cell with a shower/bathroom.[553]

3.4 Monitoring and Assistance

The Ombudsman has the power to carry out investigations of prisons.[554] In 2013 the permanent secretary of the Ministry of Internal Security personally inspected all prisons and took steps to hire staff for a human rights inspectorate within the

[546] Former detainees repeatedly alleged to Amnesty International, HRW, and LIPRODHOR that, while in military intelligence detention in 2010 and 2011 at Kami, they had been held in solitary confinement, without light and without communication with the outside world, they were allowed only two bathroom visits per day, they had to eat next to their faeces, and they were sometimes told the food was poisoned. RDF reforms led to a reduction in such reports during 2012, according to local and international human rights organisations, but the increased use of safe houses complicated monitoring efforts. US Department of State, *Country Report on Human Rights Practices 2012 - Rwanda*, 19 April 2013. US Department of State, *Country Report on Human Rights Practices 2013 - Rwanda*, 27 February 2014.

[547] US Department of State, *Country Report on Human Rights Practices 2012 - Rwanda*, 19 April 2013. US Department of State, *Country Report on Human Rights Practices 2013 - Rwanda*, 27 February 2014.

[548] The Canadian government had made this a condition for Mugesera's expulsion. Confidential source.

[549] US Department of State, *Country Report on Human Rights Practices 2012 - Rwanda*, 19 April 2013. US Department of State, *Country Report on Human Rights Practices 2013 - Rwanda*, 27 February 2014. US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015.

[550] Confidential source.

[551] Ibid.

[552] US Department of State, *Country Report on Human Rights Practices 2012 - Rwanda*, 19 April 2013. US Department of State, *Country Report on Human Rights Practices 2013 - Rwanda*, 27 February 2014. US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015. See also the country report of November 2011.

[553] Confidential source.

[554] US Department of State, *Country Report on Human Rights Practices 2012 - Rwanda*, 19 April 2013. US Department of State, *Country Report on Human Rights Practices 2013 - Rwanda*, 27 February 2014. US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015.

ministry. The army's chief of staff supervised detention reform efforts in the Ministry of Defence.[555] The National Public Prosecution Authority (NPPA) sanctioned government officials who abused regulations on pretrial detention with penalties such as fines and suspensions.[556]

The government permitted independent monitoring of prison conditions by diplomats, as well as the International Committee of the Red Cross (ICRC), which reported unimpeded access on an unannounced basis to all the prisons, police stations and military facilities that it visited during 2012 and 2013.[557] In 2014 the government did not permit independent monitoring of unrecognised detention centres and certain military facilities.[558] HRW obtained access to visit prisons, but the government repeatedly blocked access to individual prisoners.[559]

Human rights organisations such as the Legal Aid Forum and AJPRODHO have access to detainees and detention facilities. They visit the prisoners they represent twice per semester.[560] The prisoners are also visited by members of the Rwanda Bar Association and representatives of the National Commission for Human Rights.[561] Members of the Legal Aid Forum talk with the prisoners about their rights, advise them on how they can obtain documents and a pro bono lawyer. The Legal Aid Forum also provides training to prison guards and other prison personnel regarding human rights and legislation on the treatment of prisoners. The Legal Aid Forum also trains prison managers.[562]

By law detainees are allowed access to lawyers, but the scarcity of lawyers and their reluctance to take on cases that were considered to be sensitive for political or state security reasons limited access to legal representation.[563]

3.5 Medical Facilities

All detainees have health insurance, so family members do not have to pay for treatment. Physicians visit the prison clinic on a weekly basis to examine and treat prisoners. Those who need to see a medical specialist may visit such a specialist outside prison.[564] Prisons have in-house pharmacies and medical laboratories.[565] Furthermore, each prison has a team of social workers. [566]

[555] Ibid.
[556] US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015.
[557] During the preparation of this country report working visits were made to the Central '1930' Prison, Gasabo Prison and Mpanga Prison. The authorities permitted visits to the special (international) wing of the 1930 prison, but not to the other wings of this prison. The authorities did not give permission for visits to the prisoner accommodations in Gasabo Prison. The authorities did give permission to visit the prisoner accommodations in Mpanga Prison. US Department of State, *Country Report on Human Rights Practices 2012 - Rwanda*, 19 April 2013. US Department of State, *Country Report on Human Rights Practices 2013 - Rwanda*, 27 February 2014.
[558] US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015.
[559] The government ruled in 2012 that HRW did not have the right to request access to individual prisoners. US Department of State, *Country Report on Human Rights Practices 2012 - Rwanda*, 19 April 2013. US Department of State, *Country Report on Human Rights Practices 2013 - Rwanda*, 27 February 2014.
[560] Confidential source.
[561] Ibid.
[562] Confidential source. US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015.
[563] US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015.
[564] Confidential source.
[565] Ibid.
[566] Ibid.

Prisoner deaths resulted from pneumonia, HIV/AIDS, respiratory diseases, malaria, and other diseases at rates similar to those found in the general population. Medical care in prisons was commensurate with care for the public at large.[567]

[567] US Department of State, *Country Report on Human Rights Practices 2012 - Rwanda*, 19 April 2013. US Department of State, *Country Report on Human Rights Practices 2013 - Rwanda*, 27 February 2014. US State Department, *Country Report on Human Rights Practices 2014 - Rwanda*, 25 June 2015.

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MIDIMAR
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NIOD
OMCT
RFI
RSF
UNMICT

4.1 Abbreviations

AJPRODHO	Youth Association for Human Rights Promotion and Development
ARDHO	Rwandan Association for the Defence of Human Rights
CSO	Civil Society Organisation
DASSO	District Administration Security Support Organ
DGPR	Democratic Green Party of Rwanda
FDLR	Democratic Forces for the Liberation of Rwanda
FDU-Inkingi	United Democratic Forces-Inkingi
GFTU	Genocide Fugitives Tracking Unit
HRW	Human Rights Watch
ILPD	Institute of Legal Practice and Development
ICTR	International Criminal Tribunal for Rwanda
IRC	International Rescue Committee
IRCT	International Rehabilitation Council for Torture Victims
JADF	Joint Action and Development Forum
LDGL	League for Human Rights in the Great Lakes Region
LDF	Local Defence Forces
LIPRODHOR	League for the Protection of Human Rights
MIDIMAR	Ministry of Disaster Management and Refugee Affairs
NCFPO	National Consultative Forum for Political Organisations
NHRC	National Human Rights Commission
NISS	National Intelligence and Security Service
NPPA	National Public Prosecution Authority
NURC	National Unity and Reconciliation Commission
PDA	People’s Democratic Alliance

PDP-Imanzi	Democratic Pact of the Imanzi People
RBA	Rwanda Bar Association
RCS	Rwanda Correctional Service
RCSP	Rwanda Civil Society Platform
RDF	Rwanda Defence Force
RDRC	Rwanda Demobilisation and Reintegration Commission
RMC	Rwanda Media Commission
RNC	Rwanda National Congress
RNP	Rwanda National Police
RPA	Rwandan Patriotic Army
RPF	Rwandan Patriotic Front
SADC	Southern African Development Community
SSF	State Security Forces
SURF	Survivors Fund
UNCAT	UN Convention against Torture