

Rwanda
Submission for the Universal Periodic Review
March 2015

Summary

This submission outlines Human Rights Watch's concerns about the human rights situation in Rwanda since the country's 2011 Universal Periodic Review (UPR). It notes positive developments and highlights ongoing concerns.

Rwanda accepted almost all the recommendations of its 2011 UPR and welcomed others, including in the key areas of freedom of expression, legal reforms and independence of the judiciary. However, a number of serious concerns raised in the last UPR persist in 2015.

Rwanda's progress in economic and social development remains impressive. The country has also continued to promote gender equality, with a high representation of women in public institutions and initiatives to prevent and respond to violence against women.

However, the government continues to impose severe restrictions on freedom of expression and association and does not tolerate dissent, inside or outside Rwanda. There have been some openings in the media, with legal reforms and some radio stations broadcasting more critical programs, but independent media and civil society and media remain weak. Political space is extremely limited. There is little scope for challenging the policies and practices of the ruling Rwandan Patriotic Front (RPF).

The judiciary suffers from a lack of independence, especially in political or other sensitive cases. Scores of detainees have been held unlawfully in unofficial detention centers, where some have been tortured.

Restrictions on Freedom of Expression and Association

Media

During its last UPR in 2011, Rwanda had accepted a number of recommendations to review or amend the 2009 media law. It has since introduced a number of media reforms, which appear to increase the scope for independent journalism. New media laws in February 2013 enshrined journalists' rights to freedom of opinion and expression and introduced self-regulation. Some radio stations have begun broadcasting call-in programs in which listeners can raise a broader range of issues, and have occasionally aired spontaneous debates between journalists on more sensitive subjects, such as the work of human rights organisations. However, the media remains heavily dominated by pro-government views. Few journalists are willing to engage in critical and investigative reporting on alleged human rights abuses due to years of threats, intimidation, and prosecution.

In October 2014, the government suspended the British Broadcasting Corporation's (BBC) Kinyarwanda service broadcasts in Rwanda following a BBC television documentary entitled "Rwanda's Untold Story." The Rwanda Utilities Regulatory Authority (RURA), which regulates the media, set up a committee, headed by former Prosecutor General Martin Ngoga, to look into allegations that the documentary amounted to genocide denial, violated Rwandan law, and

breached international instruments, journalistic standards and the BBC's editorial values. The committee's report, published on February 28, 2015, concluded that the BBC had, among other things, abused press freedom and violated Rwandan law relating to genocide denial and revisionism, inciting hatred and divisionism. The report recommended that the agreement between the Rwandan government and the BBC be terminated and that relevant authorities initiate criminal and civil proceedings to deal with the alleged offenses.

The suspension of the BBC's Kinyarwanda broadcasts in Rwanda deprives many Rwandans of a precious source of independent information. In a media landscape dominated by pro-government broadcasts, many Rwandans rely on the BBC local language service to access information and debate on issues that are not usually covered by domestic media.

In line with the UPR recommendation to invite special rapporteurs into the country, the UN special rapporteur on freedom of association and assembly, Maina Kiai, visited Rwanda in January 2014. In June 2014, he reported to the UN Human Rights Council on, among other things, the prevailing opposition to vigorous debate and free expression of opinions in Rwanda, the government's hostility toward peaceful initiatives by its critics, and the existence of a legal framework that silences dissent. The Rwandan government, however, rejected several of the special rapporteur's findings.

Civil Society

Rwanda accepted all UPR recommendations on ensuring the protection of human rights defenders. However, independent civil society organizations remain extremely weak as a result of years of state intimidation and infiltration. The leadership of the only remaining effective Rwandan human rights group, the Rwandan League for the Promotion and Defence of Human Rights (LIPRODHOR), was taken over by members sympathetic to the government in July 2013, in a move which violated the organization's statutes and Rwandan law. The Rwanda Governance Board, which oversees national nongovernmental organizations (NGOs), recognized the new leadership a few days later. The ousted leadership of LIPRODHOR took the case to court, but a court in Kigali ruled on procedural grounds in August 2014 that the case was unfounded. The ousted LIPRODHOR leaders filed an appeal, the outcome of which is expected in March.

On July 18, 2013, anti-corruption activist Gustave Makonene, coordinator of Transparency International Rwanda's Advice and Legal Advice Center in Rubavu, was found dead in Rubavu. In September 2014, two police officers were arrested in connection with the murder. After initially denying the murder charges, both suspects pleaded guilty and were sentenced to 20 years' imprisonment in January 2015. The resumption of investigations into this case and the completion of a judicial process was an encouraging development.

Rwanda committed to the recommendation to replace international NGOs' annual registration with a five-year renewable agreement and to reduce burdensome registration requirements. However, registration remains very cumbersome. NGOs can only obtain a five year registration if they provide evidence of funding for the full five years – a requirement which most NGOs are unable to fulfil.

Political Opposition

The RPF won the September 2013 parliamentary elections with more than 76% of the vote. Several other parties are represented in parliament, but broadly support the RPF. Opposition parties seeking to challenge the RPF are unable to operate in a meaningful way.

In December 2013, the Supreme Court increased from eight to fifteen years the prison sentence of Victoire Ingabire, president of the FDU-Inkingi opposition party, who was convicted of conspiracy to undermine the government and genocide denial in a flawed trial in 2012. Several other FDU-Inkingi members were detained, prosecuted, and convicted to prison sentences in 2012 and 2013.

The Democratic Green Party of Rwanda was granted registration in August 2013, just before parliamentary elections the following month – so late that it could not participate in the elections. It joined the National Consultative Forum of Political Organizations in April 2014. No one has been held to account for the murder of the party's Vice President André Kagwa Rwisereka in July 2010.

Attacks on Opponents Abroad

Several Rwandan government opponents and critics in exile were attacked and threatened abroad. The most prominent was Patrick Karegeya, former head of Rwanda's external intelligence services and a prominent government opponent exiled in South Africa, who was found murdered in a hotel room in Johannesburg on January 1, 2014. Karegeya was a leading member of the Rwanda National Congress (RNC), an opposition group in exile. The Rwandan government denied any involvement in this and other attacks on Rwandans abroad, but President Paul Kagame came close to publicly condoning Karegeya's murder on January 12, 2014, when he said, among other things, "whoever betrays the country will pay the price."

In August and September 2014, a South African court convicted and sentenced two Rwandans and two Tanzanians to eight years' imprisonment for the attempted murder of General Kayumba Nyamwasa—a former senior military official and leading RNC member—in South Africa in 2010. The judge stated that the attack was politically motivated and emanated from a group of people in Rwanda. The court acquitted two other Rwandan defendants.

Other cases included journalist and RNC member Charles Ingabire, shot dead in the Ugandan capital Kampala on November 30, 2011; and Joel Mutabazi, forcibly returned from Uganda to Rwanda in October 2013 (see below).

Genocide Ideology Law

During its last UPR in 2011, Rwanda had accepted recommendations to accelerate the revision of the genocide ideology law by specifying the crime in line with international standards, and ensuring that intention, assistance and incitement to genocide were clearly stated in the definition. An amended version of the 2008 law was promulgated in October 2013. The new law contains several improvements, including a more precise definition of the offense and the requirement to demonstrate intent behind the crime, thereby reducing the scope for abusive prosecutions. However, several articles retain language that could be used to criminalize free speech. The law retains heavy prison sentences, although the maximum prison sentence has been reduced from 25 to 9 years.

Disappearances, Unlawful Detentions, Arbitrary Arrests, Ill-treatment and Torture

In February 2014 Rwanda ratified the Optional Protocol to the Convention Against Torture. At the time of writing, it has not ratified the International Convention for the Protection of all Persons from Enforced Disappearance, despite accepting a recommendation to do so in the last UPR.

In the 2011 UPR, Rwanda rejected a recommendation to "urgently investigate cases of arbitrary arrest and detention, including those which may constitute enforced disappearances." In its response to comments made during the UPR, Rwanda claimed that investigations had revealed a few cases of irregular arrests and detention that "are corrected and responsible officials are punished."

However, Human Rights Watch has documented scores of cases of individuals held unlawfully by the military or the police in unofficial detention centers, some for several weeks or months, between 2011 and 2014. Most of their families were not informed of their whereabouts. Detainees were held incommunicado in Camp Kami and other military camps, and in a police station known as Chez Gacinya, in the capital Kigali. Some detainees were tortured and pressured to confess to alleged

crimes or to incriminate others. Some detainees were later tried on security-related charges (see below).

From March to November 2014, at least 30 people were reported missing, many in north-western Rwanda. Some were arrested by state agents and taken to unknown destinations. After several weeks, some of the disappeared reappeared in police detention and were transferred to civilian prisons. Some were among a group of 16 people accused of endangering state security and collaborating with the FDLR, who appeared before the high court in Musanze. Their trial is due to take place in 2015. Government authorities did not acknowledge their unlawful detention or account for their whereabouts during the preceding period.

Hundreds of people from vulnerable groups—including street children, commercial sex workers, and street hawkers— were held unlawfully, without charge or trial, in poor conditions, in an unofficial detention center commonly known as Kwa Kabuga, or Gikondo, in the Gikondo area of Kigali. Many were beaten by police or by other detainees in the presence of police. The Rwandan government claims that Gikondo is a transit center, not a detention center. In the addendum to its Report of the Working Group on the UPR, the Rwandan government stated that in the past, some beggars and street children were taken to Gikondo transit center to be sensitized and encouraged to join cooperatives or existing child rehabilitation centers, but that “it would be erroneous to assimilate those cases to arbitrary arrests and detentions.” However, both adults and children were still detained in Gikondo until August 2014, and adults as recently as February 2015.

Justice

During its 2011 UPR, Rwanda accepted recommendations to “continue reforms of the justice system” including to “eliminat[e] corruption and political interference” and “improve witness protection.” Despite legal reforms and administrative improvements, the judiciary still lacks independence, leading to unfair trials in a number of politically sensitive cases. Judges, prosecutors, and witnesses remain vulnerable to government pressure, especially in cases involving alleged opponents.

Community-based *gacaca* courts, set up to try cases related to the 1994 genocide, closed in June 2012 after trying almost two million cases, according to government statistics. A number of concerns about unfair trials and alleged miscarriages of justice through *gacaca* trials remain unresolved. Cases being considered for revision by regular courts have stalled for procedural reasons.

Rwanda has not ratified the Rome Statute.

Security-Related Trials

The Rwandan authorities have used charges such as “endangering state security” or “inciting public disorder” against real or suspected opponents. Some of those accused of these and related offenses have been detained unlawfully and tortured. Rwandan courts failed to investigate defendants’ torture claims and to rule out the admission of confessions and accusations allegedly obtained through torture. Several defendants in these cases were convicted after unfair trials.

Joel Mutabazi, a former presidential bodyguard forcibly returned from Uganda to Rwanda in October 2013, and 15 co-accused were tried by a military court in Kigali in January 2014, charged with terrorism, murder, forming an armed group, and other offenses linked to alleged collaboration with the RNC and the FDLR. Mutabazi and several co-defendants stated in court that they had been tortured and forced to sign statements. In October 2014 the court found Mutabazi guilty of all charges and sentenced him to life imprisonment. Thirteen defendants received sentences ranging from 3 months to 25 years. Two were acquitted.

Well-known singer Kizito Mihigo, journalist Cassien Ntamuhanga, and co-defendants Agnès Niyibizi and Jean-Paul Dukuzumuremyi were arrested in April 2014 and charged, among other things, with offenses against the state and complicity in terrorist acts for allegedly collaborating with the RNC and FDLR. Mihigo's whereabouts were unknown for several days before he appeared in police custody. In November 2014, he confessed to all the charges. His three co-accused pleaded not guilty. In February 2015, Mihigo was sentenced to 10 years, Ntamuhanga to 25 years and Dukuzumuremyi to 30 years. Niyibizi was acquitted.

In August 2014, two senior military officers, retired Brig. Gen. Frank Rusagara and Col. Tom Byabagamba, were arrested and charged with, among other offenses, inciting insurrection and public disorder, and tarnishing the country's image. The accusations are believed to be related to their alleged contacts with the RNC. They were tried in a military court alongside a third co-defendant, demobilized Sgt. François Kabayiza. Kabayiza told the court he was suffering from ill-health, in part as a result of torture in detention. Their trial was ongoing at the time of writing.

Recommendations

- Enable and encourage independent civil society organisations and journalists to operate freely and to investigate and publish information on sensitive subjects, including allegations of human rights abuses by state agents.
- Allow the BBC Kinyarwanda service to resume its broadcasts in Rwanda.
- Allow opposition parties to carry out their activities without intimidation or hindrance; release individuals prosecuted solely for the peaceful and legitimate expression of their views.
- Cooperate fully in investigations by foreign governments into attacks and threats against Rwandan opponents and critics abroad.
- Ensure that detainees are only held in recognized prison and detention centers and allowed visits by relatives, friends, lawyers, and spiritual leaders. Provide information to detainees' families on their whereabouts.
- Investigate and bring to justice those responsible for arbitrary arrests, unlawful detentions, enforced disappearances and torture.
- Ensure that no one is convicted on the basis of information extracted under torture or duress, and that courts order prompt investigations into defendants' allegations of torture.
- Ratify the International Convention for the Protection of all Persons from Enforced Disappearance.
- Strengthen the independence of the justice system and prevent and refrain from political interference in prosecutions and trials.
- Ratify the Rome Statute and incorporate in national legislation provisions to cooperate promptly and fully with the International Criminal Court.

ANNEX

Human Rights Watch documents on Rwanda

Press release: “Rwanda: Spate of Enforced Disappearances”, May 16, 2014
<http://www.hrw.org/news/2014/05/16/rwanda-spate-enforced-disappearances>

Report: “Rwanda: Repression Across Borders”, January 28, 2014
<http://www.hrw.org/news/2014/01/28/rwanda-repression-across-borders>

Press Release: “Rwanda: Investigate Anti-Corruption Campaigner’s Murder”, January 22, 2014
<http://www.hrw.org/news/2014/01/22/rwanda-investigate-anti-corruption-campaigner-s-murder>

Press Release: “Uganda/Rwanda: Forcible Return Raises Grave Concerns”, November 4, 2013
<http://www.hrw.org/news/2013/11/04/ugandarwanda-forcible-return-raises-grave-concerns>

Press Release: “Rwanda: Takeover of Rights Group”, August 14, 2013
<http://www.hrw.org/news/2013/08/14/rwanda-takeover-rights-group>

Press Release: “Rwanda: Eight-Year Sentence for Opposition Leader”, October 30, 2012
<http://www.hrw.org/news/2012/10/30/rwanda-eight-year-sentence-opposition-leader>

Press Release: “Uganda/Rwanda: Investigate Journalist’s Murder”, December 6, 2011
<http://www.hrw.org/news/2011/12/06/ugandarwanda-investigate-journalist-s-murder>

Chronology: “Rwanda: Silencing Dissent Ahead of Elections”, August 2, 2010
<http://www.hrw.org/news/2010/08/02/rwanda-attacks-freedom-expression-freedom-association-and-freedom-assembly-run-presi>