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Freedom on the Net 2020 - Rwanda

NOT FREE

39

/ 100

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LAST YEAR'S SCORE & STATUS

41 / 100 Partly Free

Scores are based on a scale of 0 (least free) to 100 (most free)

Overview

Internet freedom in Rwanda declined during the coverage period, with the government taking steps to detain, intimidate, and block the content of online journalists and critics. Self-censorship online remains common, as the government increasingly tightens its control of the online media environment.

President Paul Kagame and the Rwandan Patriotic Front (RPF) have ruled Rwanda since 1994, and maintain tight control over the political system. The government habitually suppresses political dissent through pervasive surveillance, intimidation, arrest, and suspected assassinations of dissidents, including across borders.

Key Developments, June 1, 2019 - May 31, 2020

- Increased demand for internet bandwidth during the COVID-19 pandemic caused speeds to fall drastically for some internet users (see A1).
- The Senate named the social media handles and websites of 26 opposition figures and online news sources in a report on genocide denial, leading to content blocking, online harassment, and greater government control of the media environment (see B1, B5, and C7).
- At least a dozen online journalists were arrested while reporting during the COVID-19 lockdown (see C3).
- An October 2019 disclosure from messaging service WhatsApp strongly suggests that the government uses sophisticated spyware to monitor opposition politicians and journalists in exile (see C5).
- Prominent gospel singer Kizito Mihigo died in police custody in February 2020, with opponents fearing the government was responsible for his death. Mihigo's private WhatsApp and Skype messages were previously used as evidence to convict him of conspiring to overthrow the government in 2015 (see C7).

A Obstacles to Access

Increased demand on Rwanda's internet infrastructure during the COVID-19 pandemic brought speeds for some internet users to a crawl during the coverage period. Rwanda continued making strides in expanding internet access and improving affordability, though high costs and low digital literacy present considerable barriers to access.

A1 0-6 pts

Do infrastructural limitations restrict access to the internet or the speed and quality of internet connections? 3 / 6

Access to information and communication technologies (ICTs) in Rwanda has improved notably in recent years. The government has invested in building its internet infrastructure and other ICTs in its efforts to develop a robust information economy.

According to a December 2019 report by the Rwanda Utilities Regulatory Agency (RURA), the sector regulator, 60.4 percent of Rwandans use the internet.¹ However, DataReportal reported a lower penetration rate of 26 percent in January 2020.² Most new users access the internet via smartphones. Only 4.8 percent of the population is active on social media.

According to the government, over 90 percent of the population lives in areas covered by broadband networks.³ International Telecommunication Union (ITU) data reported that less than 1 percent of the population using fixed-broadband internet as of 2018, however.⁴ Government investments in broadband technology across the country continued to grow during the reporting period (see A2). The ITU is collaborating with RURA to further expand broadband coverage (see A2).⁵

According to the Ookla Global Index, Rwanda ranks 129th globally for fixed broadband speed, with an average download speed of 15.42 Mbps, and 132nd for mobile internet speed, with a download speed of 10.08 Mbps, as of March 2020.⁶ This is above the global average of 7.0 Mbps. Limited fixed-line infrastructure has negatively impacted internet access. Nevertheless, developments in the fixed-network market have improved connectivity and reliability. Operators have rolled out national fiber-optic backbone networks to connect to the international submarine fiber-optic cables on the east coast of Africa. These cables have provided the entire region with fiber-based international bandwidth for the first time, ending the dependency on satellites. During the reporting period, internet service provider (ISP) Liquid Telecom continued to expand fiber-to-the-premises (FTTP) services in the capital city of Kigali and some small towns.⁷

During the COVID-19 pandemic, mobile broadband subscribers experienced drastic internet slowdowns. Subscribers of MTN and Airtel reported service disruptions and speeds as low as 55 Kbps.⁸

In December 2019, Korea Telecom Rwanda Networks (KTRN), the operator of an open-access 4G LTE network in Rwanda, announced a \$10 million project aimed at improving connectivity across the country.⁹ KTRN is a wholesale provider of a universal mobile broadband network built on 4G LTE technology. National LTE coverage was achieved in 2018.¹⁰

Improved access to electricity via hydropower and solar energy projects has helped increase internet connection speeds and decrease costs. However, according to the government, by March 2020, only 51 percent of the population had access to electricity,¹¹ which falls far short of the government’s ambitious plan to achieve 100-percent electrification by 2024.¹²

A2 0-3 pts

Is access to the internet prohibitively expensive or beyond the reach of certain segments of the 1 / population for geographical, social, or other reasons? **3**

Internet access is primarily concentrated in Kigali and remains beyond the reach of many citizens, particularly those in rural areas who are limited by low income and low levels of ICT awareness.¹³ However, there have been efforts to reduce costs and expand service to underserved communities.

Poverty continues to be the primary impediment to internet access, with the majority of the population engaged in subsistence agriculture. Despite these challenges, the Alliance for Affordable Internet ranked Rwanda as the 31st most affordable internet environment among 60 low- and middle-income countries in 2019.¹⁴

Expatistan, an online index that measures the cost of living across countries, estimated that the price of internet service at 8 Mbps in Kigali was nearly 31,870 francs (\$33) per month as of January 2020, which remains prohibitively expensive for the majority of residents.¹⁵ In March 2020, Liquid Telecom launched new fiber-optic broadband services in Kigali. According to its officials, users would receive unlimited high-speed internet access, significant price reductions, and free installation.¹⁶ The company also announced a significant reduction in fiber-to-home internet service costs, with prices starting at \$30 for a month of unlimited connectivity at 5 Mbps.¹⁷

Rwandans were critical about the poor quality of internet service amid the COVID-19 crisis lockdown measures, as the majority of the office workers were forced to work from home.¹⁸ When schools closed during the lockdown, learning shifted online, primarily through content distributed via radio, television, and YouTube.¹⁹

Fewer than 10 percent of Rwandans are digitally literate,²⁰ and over 70 percent of the population speaks only Kinyarwanda, making internet content in English inaccessible to the majority of Rwandans.²¹

The joint ITU and RURA broadband expansion project aims to increase connectivity in rural areas and improve access to government services and information. According to the ITU, the project also aims to provide free or low-cost internet access to schools, hospitals, and underserved populations.²² In February 2019, OneWeb, a UK-based company, launched a satellite that brings internet access to schools in remote areas.²³

A3 0-6 pts

Does the government exercise technical or legal control over internet infrastructure for the purposes of 5 / restricting connectivity? **6**

There were no restrictions on connectivity reported in Rwanda during the coverage period, though Article 52 of the 2001 Law Governing Telecommunications gives the government powers over telecommunications networks in the name of preserving “national integrity.” These powers include the ability to “suspend a telecommunications service for an indeterminate period, either generally or for certain communications.”²⁴

The local internet exchange point (IXP), the Rwanda Internet Exchange (RINEX),²⁵ is managed by the Rwanda Information & Communications Technology Association, a nonprofit organization comprised of ICT institutions and professionals.²⁶

Since 2013, IHS Towers, Africa’s largest operator of telecommunications towers, has managed most of these assets in Rwanda. Mobile service provider MTN sold over 500 towers to IHS Towers in 2014.²⁷ That same year, the company agreed to acquire 212 towers from mobile service provider Millicom and 171 from Airtel.²⁸ Internet activists believe the consolidation of telecommunications infrastructure under one company’s ownership may permit the government to exercise greater control over these assets, and that the government collects massive intelligence data with the help of IHS Towers.²⁹

A4 0-6 pts

Are there legal, regulatory, or economic obstacles that restrict the diversity of service providers? 3 / 6

RURA is not transparent in its oversight of ISPs. As of March 2020, at least 25 ISPs were licensed.³⁰ In 2019, an anonymous source from within RURA’s legal department said that the majority of ISPs were no longer operational due to the dominance of MTN and Airtel. According to the source, the hegemony of these two companies is in the state’s interest because centralization allows RURA to more easily monitor users.³¹ According to local sources, government officials and agencies have shares in some telecommunications companies, which may enable the state to interfere in their operations.

A5 0-4 pts

Do national regulatory bodies that oversee service providers and digital technology fail to operate in a 1 / free, fair, and independent manner? 4

There are no legal guarantees for the autonomy of RURA. RURA reports directly to the office of the prime minister. The government audits RURA’s budget, while the president nominates its seven board members, supervisory board, and director general, limiting its autonomy in practice.³²

Recent appointments to RURA have raised concerns about the influence of the military and intelligence services over the regulation of the ICT sector.³³ Patrick Nyirishema, a senior military officer,³⁴ was appointed director general of RURA in 2014.³⁵ Former assistant police commissioner Anthony Kulamba, who also served as the Rwanda National Police (RNP) commissioner for Interpol,³⁶ currently serves as RURA’s head of media regulation and consumer affairs.³⁷

There are no mechanisms for ISPs or other companies regulated by RURA to appeal its decisions.³⁸ Furthermore, no self-regulatory mechanism is available for ISPs.³⁹

B Limits on Content

The government briefly blocked at least five Ugandan news sites amid rising tensions with Ugandan government during the reporting period. A Senate report accusing some online radio stations and websites, which are owned by government critics, of genocide denial led to website blocking and further state control of the online information environment. Self-censorship remains prevalent, as journalists face the possibility of persecution for their reporting.

B1 0-6 pts

Does the state block or filter, or compel service providers to block or filter, internet content? 3 / 6

The government restricts the types of online content that users can access, particularly material that strays from the government’s official line. In 2018 and 2019, numerous independent news outlets and opposition blogs that have been blocked for years reportedly remained inaccessible,⁴⁰ including the website of the *Rwandan* newspaper, as well as online publications Inyenyeri News and Le Prophete.⁴¹

In October 2019, the Rwandan Senate accused 26 online radio stations and websites owned by Rwandan critics living in exile of genocide denial (see C7).⁴² None of the websites named in the report are accessible in Rwanda as of July 2020.⁴³

In August 2019, RURA blocked several Ugandan news sites, including the state-owned *New Vision* and the websites of the *Daily Monitor*, the *Observer*, SoftPower News, and the *Independent*, reciprocating the Uganda Communications Commission’s (UCC) blocking of two Rwandan news sites, the *New Times* and Igihe. Both countries agreed to unblock the websites shortly afterwards.⁴⁴ The incident took place amid rising diplomatic tensions between the two countries in recent years. Each government, through state-sponsored media houses and social media platforms, has accused the other of espionage and intent to undermine state security. The website of SoftPower News, a Ugandan digital media company, was previously blocked in January 2018,⁴⁵ and remained inaccessible through at least May 2019.

The websites for independent regional news outlets, such as *Great Lakes Voice*, and websites of the Rwandan diaspora, such as Rugali, are also blocked, and are only accessible via web proxy. The BBC Kinyarwanda/Kirundi website was made inaccessible in 2014 but became accessible during the coverage period. However, most international news sources, some of which are critical of the Rwandan government, are available online. These websites most likely remain unblocked because the majority of Rwandans engage with content in the local language, Kinyarwanda.

Social networking sites and communications apps such as YouTube, Facebook, Twitter, and WhatsApp are freely available.

B2 0-4 pts

Do state or nonstate actors employ legal, administrative, or other means to force publishers, content hosts, or digital platforms to delete content? 2 / 4

The extent to which the government forces websites or digital platforms to delete content is unknown, though anecdotal evidence in recent years suggests the practice is common. According to journalists who have spoken on condition of anonymity, authorities often pressure editors of news sites to delete content that is critical of the government, threatening to block sites that do not comply.⁴⁶ Local journalists refer to the practice as *kunyonga* (shooting down anonymously).

Credible sources claim that the Office of the Government Spokesperson (OGS), an official propaganda entity, has administrative access to the websites of some nominally independent newspapers. Government employees reportedly remove stories deemed critical of the Kagame administration on a routine basis.

B3 0-4 pts

Do restrictions on the internet and digital content lack transparency, proportionality to the stated aims, or an independent appeals process? 1 / 4

RURA generally does not provide explanations when local and international news sites are blocked. Website owners have no avenue of appeal when their sites are blocked.

In May 2019, the Rwandan government announced its intention to start regulating social media content, arguing that regulation was necessary to protect citizens from misinformation and that social media platforms were being used to rally people to disrupt society. Critics say the move targets the government’s opponents and independent journalists.⁴⁷ As of July 2020, the regulations had not been announced.

According to a 2010 law relating to electronic messages, signatures, and transactions, intermediaries and service providers are not held liable for content transmitted through their networks.⁴⁸ Nonetheless, service providers are required to remove content when handed a takedown notice, and there are no mechanisms for appeal.

B4 0-4 pts

Do online journalists, commentators, and ordinary users practice self-censorship? 0 / 4

While Rwandans are active on Facebook and Twitter, self-censorship has become more pervasive among both online journalists and ordinary users in recent years due to increasing government repression, social pressure to support the government, and fear of reprisals for those who criticize the authorities. The hostile environment for journalists, who risk prosecution and imprisonment for critical, independent reporting, contributes to self-censorship. The disappearance and murder of numerous opposition members similarly reinforces self-censorship (see C7).⁴⁹ Internet users typically avoid topics that can be construed as critical of the government or disruptive to national unity and reconciliation.⁵⁰

President Kagame has frequently threatened his critics and accused them of destabilizing the country, further entrenching self-censorship. In a May 2019 speech, Kagame warned opponents of his government in the diaspora when he said, “those making noise on the internet do so because they’re far from the fire. If they dare get close to it, they’ll face its heat.”⁵¹ Observers argued that Kagame’s threats were genuine, in light of the fact that a number of Rwandan dissidents abroad have been killed or disappeared.

Financial challenges in Rwanda’s media sector have driven many media houses and journalists to YouTube channels for monetization. In March 2020, one editor reported that their outlet is “exercising extreme caution” because of government restrictions on online speech (see C2). They stated that “the government started cracking down on youtubers—especially those who go against the official narrative.”⁵²

B5 0-4 pts

Are online sources of information controlled or manipulated by the government or other powerful actors to advance a particular political interest? 1 / 4

Online information is manipulated by the government through editorial influence and coordinated social media campaigns.

In October 2019, the Rwandan Senate accused 26 online radio stations and websites owned by Rwandan critics living in exile of denying the 1994 genocide (see C7); the report was followed by a February 2020 campaign to share the results.⁵³ The accusations limited the reach of the websites named in the report, contributing to greater government control of the online media environment.

Security officials and other government authorities frequently interfere with editors at online outlets to prevent the publication of stories on certain topics and alter content that criticizes the government.⁵⁴ Journalists say that editorial decisions are heavily influenced by government forces—including police officers, army officers, and powerful political leaders—whose demands are colloquially known as “I say this.” For example, two anonymous sources confirmed that during the 2017 presidential campaign, editors of Igihe, an online news outlet, were not allowed to publish articles on candidates challenging President Kagame. According to journalists who were

interviewed anonymously, security officials often review journalists’ stories and photographs before they are published. One respondent said that authorities have tightened their control of the media by ensuring that each news organization employs a government representative to monitor editorial content.

Social media accounts with government affiliations regularly debate and harass individuals who post online comments considered critical of the government.⁵⁵ Progovernment accounts also mobilize to retweet and post positive comments in response to President Kagame’s tweets, to project an image of widespread support. Through Itorero, a state-run traditional school of values, the government has mobilized social media users to counter the views of individuals deemed to be “enemies of the state.” The so-called “Twitter Army” has systematically attacked and discredited individuals and media outlets that criticize the government. According to local sources, these social media users are rewarded for their attacks with access to jobs at government institutions and private companies that have ties to the ruling party. One source said that intelligence services monitor and report social media users who engage constructively with government critics.

B6 0-3 pts

Are there economic or regulatory constraints that negatively affect users’ ability to publish content 1 / online? 3

Compared to their state-run counterparts, which receive income from government advertisements and direct subsidies, independent media outlets often struggle financially.⁵⁶ Large businesses generally only advertise with state-owned or progovernment media outlets, based on an unspoken rule.

An increasing proportion of media houses and journalists rely on YouTube channels to monetize their content. In April 2020, the Rwanda Media Commission (RMC) released a statement saying that individuals running personal YouTube channels did not qualify as journalists.⁵⁷ One editor said disqualifying YouTube channels as professional media sources could limit the already sparse safeguards for online journalists, potentially causing the collapse of online journalism in the country.⁵⁸

B7 0-4 pts

Does the online information landscape lack diversity? 1 / 4

Government repression of the media greatly limits the diversity of the information landscape, both online and offline. Critical and independent online journalism produced by opposition supporters overseas—mainly in Europe, the United States, and South Africa—is blocked in Rwanda. Proxy servers can be used to access blocked content, but few Rwandans are aware of the extent of blocking or the means to circumvent it.⁵⁹

B8 0-6 pts

Do conditions impede users’ ability to mobilize, form communities, and campaign, particularly on 3 / political and social issues? 6

Digital activism on political and social issues is uncommon, despite the widespread availability of mobilization tools. SIM card registration requirements have made users fearful of using digital tools for political activism that challenges the government (see C4).

C Violations of User Rights

At least 12 journalists and bloggers were arrested for violating the COVID-19 lockdown while reporting on the pandemic. New evidence strongly suggests the Rwandan government uses sophisticated spyware to target dissidents and journalists in exile. A prominent gospel singer died in police custody during the reporting period, and was likely killed by state security forces; the singer was targeted by the government for several years, and his online activities were met with state scrutiny.

C1 0-6 pts

Do the constitution or other laws fail to protect rights such as freedom of expression, access to 1 / information, and press freedom, including on the internet, and are they enforced by a judiciary that 6 lacks independence?

Rwanda’s legal framework is used to restrict fundamental rights to freedom of expression, including online, despite constitutional protections. The Rwandan judiciary is not independent, and many journalists who publish material online view the threat of imprisonment as a key constraint on their work.

In March 2020, the Rwandan government enforced measures to restrict the spread of COVID-19, including a lockdown directive that did not explicitly exempt members of the media.⁶⁰ The government later issued statements to indicate that journalists must comply with the lockdown.⁶¹ At least a dozen journalists were arrested under the directive as of July 2020 (see C3).

In April 2019, the Supreme Court repealed a law that banned the publication of political cartoons, but upheld criminal defamation against the president (see C2). The decision draws an explicit distinction between the head of state and other public officials,⁶² and was viewed as evidence of the judiciary’s deference to the executive.

C2 0-4 pts

Are there laws that assign criminal penalties or civil liability for online activities? 1 / 4

Rwandan law restricts free expression and imposes criminal and civil penalties for legitimate online activities, sometimes with high fines and maximum sentences.

A cybersecurity law passed in 2018 imposes up to five years’ imprisonment and a fine between 1 million francs (\$1,100) and 3 million francs (\$3,340) for publishing “rumors that may incite fear, insurrection, or violence... or that may make a person lose their credibility.”⁶³ Additionally, anyone who “establishes, publishes, or uses a site of a terrorist group” faces imprisonment of 15 to 20 years and a fine between 20 million (\$22,400) and 50 million francs (\$56,000).⁶⁴ The government considers many exiled opposition organizations “terrorist groups,” which has contributed to concerns that the law will be used to further crack down on opposition activities.⁶⁵

Defamation of the president is a criminal offense in Rwanda. Revisions to the penal code signed into law in 2018 impose penalties of five to seven years’ imprisonment for defaming the president.⁶⁶ However, defamation against private individuals was decriminalized under the revised code. A provision in the code that criminalized the “humiliation of national authorities,” including through cartoons, was overturned by the Supreme Court in April 2019 (see C1).⁶⁷ Many other provisions in the revised penal code, often vaguely worded, contain undue restrictions on freedom of expression that can be applied to online activities. Notably, the spread of “false information or harmful propaganda with intent to cause a hostile international opinion against [the] Rwanda government” carries penalties of between seven and ten years’ imprisonment in peacetime and life imprisonment during wartime.⁶⁸

An ICT law enacted in 2016 created a new legal and regulatory framework for the ICT sector and codified specific restrictions on internet activities that are antithetical to internet freedom.⁶⁹ Most notably, provisions in the law prohibit the dissemination of “grossly offensive” or “indecent” messages as well as the use of ICTs to cause “annoyance, inconvenience, or needless anxiety.”⁷⁰

The law against “genocide ideology”—amended in 2013—also threatens freedom of expression both online and off, prescribing heavy prison sentences of up to nine years and fines for any offender “who disseminates genocide ideology in public through documents, speeches, pictures, media, or any other means.”⁷¹

C3 0-6 pts

Are individuals penalized for online activities? 2 / 6

Citizens and journalists are periodically arrested for online activities in Rwanda, though the high degree of self-censorship practiced by online journalists and ordinary users alike has resulted in fewer arrests in recent years. Cases may also be underreported, given the government’s strict control of the media.

In April 2020, at least ten journalists, including five online journalists, were arrested as security forces were enforcing the COVID-19 measures. Eight of the journalists were briefly detained.⁷² In May 2020, two online journalists working for Ishema TV, which reported on the impact of the directives on vulnerable populations, were arrested in circumstances that appeared retaliatory, according to the Committee to Protect Journalists (CPJ).⁷³

In March 2019, Rwandan authorities arrested and detained a local journalist, Olivier Habimana for allegedly spreading rumors and propaganda against President Kagame through YouTube.⁷⁴ Habimana was released from detention by March 2020. In October 2018, the authorities arrested Damascene Mutuyimana, Jean Baptiste Nshimiyimana, and Shadrack Niyonsenga on similar charges; all three worked as journalists for Iwacu TV, a Kinyarwanda-language news broadcaster on YouTube.⁷⁵ They were still detained and were awaiting trial at the end of the coverage period, though the trial will not reportedly start until December 2020.⁷⁶ In March 2020, an expert on Rwandan law said the Iwacu TV journalists were detained illegally, as their pretrial detention has exceeded the potential punishment associated with the charges against them.⁷⁷

The authorities have used private conversations on mobile chat apps as evidence in prosecutions of dissidents, heightening concerns about the government’s ability to intercept communications on social media platforms. In 2017, a few months after announcing her presidential election bid, Diane Rwigara was arrested, along with her mother Adeline and sister Anne (who was quickly released), for alleged tax evasion and incitement against the government.⁷⁸ Rwigara was disqualified from running in the election, with the government claiming that signatures on her petition were forged.⁷⁹ At a pretrial hearing in October 2017, prosecutors presented WhatsApp audio messages allegedly taken from the mobile phones of Diane and Adeline as evidence against them.⁸⁰ The defendants asked for the files to be disregarded as evidence, citing that they were obtained through phone interceptions.⁸¹ The judges in the case acquitted the accused in December 2018 amid increased international scrutiny of the case, as well as a social media campaign for their release, which included a #FreeDianeRwigara campaign on Twitter.⁸²

C4 0-4 pts

Does the government place restrictions on anonymous communication or encryption? 3 / 4

The ability to communicate anonymously is compromised by mandatory SIM card registration requirements in place since 2013.⁸³ Under the law, RURA has unfettered access to SIM card databases managed by operators, while other “authorized” individuals or institutions may also be granted access.⁸⁴

In recent years, RURA has sought to revise regulations on SIM card registration, ostensibly to tackle fraud, including SIM boxing, identity theft, and phishing. In January 2019, RURA announced that mobile phone users could not use more than three SIM cards on each network. The new regulations required users to register each SIM card with their national identification by the end of the month. Foreigners, meanwhile, can use only one SIM card. RURA justified the regulations on security grounds, arguing that the proliferation of SIM cards made it more difficult to track criminal activity.⁸⁵ Critics argued that the regulations were meant to collect users’ data, since many people have evaded state monitoring by buying and registering SIM cards with false identities. The various legal

provisions that enable surveillance and limit anonymity are particularly troubling in the absence of a comprehensive data protection law. A data-protection provision is included in the ICT law passed in 2016, but it is limited by provisions that provide for broad national security exceptions.⁸⁶

In July 2019, Airtel and MTN both reportedly sought authorization to launch biometric SIM card registration systems, pending authorization from RURA.⁸⁷ No further details were available as of July 2020.

C5 0-6 pts

Does state surveillance of internet activities infringe on users’ right to privacy? 1 / 6

Score Change: The score declined from 2 to 1 after a disclosure from WhatsApp that strongly suggests the Rwandan government uses sophisticated spyware from technology firm NSO Group to target dissidents in exile.

The extent of the authorities’ surveillance capabilities is unknown, but there is a strong sense among observers that surveillance is pervasive. The government closely monitors social media discussions, as evidenced by the prevalence of progovernment commenters that frequently appear on social media platforms (see B5). Exiled dissidents have been attacked and murdered, despite their efforts to protect their identities, following threats from individuals inside or associated with the government.⁸⁸

In October 2019, WhatsApp disclosed that a vulnerability in the application was exploited to target Rwandan dissidents with Pegasus, a surveillance software developed by Israeli technology firm NSO Group. WhatsApp identified at least 1,400 people targeted by the vulnerability, of which a “considerable amount” were Rwandan. Targets included a journalist and a member of the opposition who were both living in exile.⁸⁹ The Citizen Lab, a Canadian internet freedom watchdog, reported in September 2018 that Rwanda is one of the 45 countries worldwide using Pegasus. Pegasus is frequently used by governments to surveil journalists, human rights defenders, and the opposition.⁹⁰

In July 2018, before the current coverage period, the government passed a law that extended surveillance powers to a civilian institution, the Office of the Ombudsman, to investigate corruption-related crimes.⁹¹ The law came into effect as part of the new penal code in September 2018.⁹² Previously, interception powers were only held by security agencies such as the police, military, and intelligence services. The legislation was vague about whose communications could be intercepted. Press freedom advocates believe that the law could further threaten independent journalism (see C2). The interception of communications without the prior authorization of a judge is still legally permissible.

The 2013 Law Relating to the Interception of Communications expanded the government’s surveillance powers, authorizing high-ranking security officials to tap the communications, including online activity, of individuals considered potential threats to “public security.”⁹³ While the law requires government officials to apply for an interception warrant, warrants are issued by the national prosecutor, who is appointed by the justice minister. The national prosecutor can also issue warrants verbally in urgent security investigations, to be followed by a written warrant within 24 hours. The law also provides for the appointment of “inspectors” to ensure that authorized interceptions are carried out in accordance with the law, though the inspectors are appointed by the president and lack independence.⁹⁴ There is no requirement to justify surveillance as necessary and proportionate to a legitimate aim.⁹⁵

In 2015, email leaks from Italian surveillance firm Hacking Team revealed that the government attempted to purchase sophisticated spyware known as Remote Control System (RCS) in 2012.⁹⁶ While the leaked emails did not confirm that a sale took place, they illustrate the government’s interest in acquiring technology that can monitor and intercept user communications.

C6 0-6 pts

Are service providers and other technology companies required to aid the government in monitoring 2 / the communications of their users? 6

Under the 2013 Law Relating to the Interception of Communications (see C5), communications service providers are required to ensure that their systems have the technical capability to intercept communications on demand. Security officials also have the power to “intercept communications using equipment that is not facilitated by communication service providers,” which effectively allows the authorities to hack into a telecommunications network without a provider’s knowledge or assistance.⁹⁷

In 2018, interviews with anonymous local sources confirmed that government representatives are systematically embedded within the operations of telecommunications companies for the purposes of surveillance. Telecommunications technicians also routinely intercept communications on behalf of the military.

C7 0-5 pts

Are individuals subject to extralegal intimidation or physical violence by state authorities or any other 2 / actor in retribution for their online activities? 5

Score Change: The score declined from 3 to 2 following the release of a Senate report that targeted the websites of opposition politicians, online radio stations, and online news sites by alleging that they engaged in genocide denial, and for the death of Kizito Mihigo, a prominent gospel singer who previously faced scrutiny for his online activities, while in police custody.

Independent journalists frequently face violence and harassment when attempting to cover news stories. As a result, many journalists have fled the country.⁹⁸ Progovernment trolls regularly harass journalists and ordinary users on social media for posts that are critical of the authorities.

Extralegal violence against dissidents, including journalists and other government critics, creates an atmosphere of intimidation. In February 2020, prominent gospel singer Kizito Mihigo was found dead in police custody. While the authorities claim he died by suicide after attempting to cross the border into Burundi, critics and human rights groups fear he was killed by security forces.⁹⁹ Mihigo first faced government scrutiny after a song of his that grieved both Tutsi and Hutu deaths during the 1994 genocide was distributed, including online; he was previously convicted of conspiring to overthrow the government in 2015, after prosecutors used private Skype and WhatsApp messages against him.¹⁰⁰

In October 2019, the Rwandan Senate released a report on genocide denial in foreign countries, defining genocide denial to include claims of a second genocide against Hutus. The report listed the social media accounts and websites of 26 groups and individuals that it claims deny the genocide. The list includes prominent opposition politicians and parties in exile, online radio stations, and online news sites. The report called for government agencies to monitor genocide denialism in newspapers and online, and for young people to use social media to protest genocide deniers.¹⁰¹ The report prompted a wave of online harassment that targeted the websites named by the Senate. The media websites are no longer accessible in Rwanda (see B1).

In March 2019, opposition politician Anselme Mutuyimana was found murdered in a forest in northwestern Rwanda. The Rwanda Investigation Bureau (RIB) did not update the public on the investigation into Mutuyimana's death at the end of the reporting period. In October 2018, another opposition figure, Boniface Twagirimana, disappeared from his prison cell in Mpanga in southern Rwanda. His whereabouts remain unknown.¹⁰²

In May 2019, former RMC chairman Fred Muvunyi was subjected to online attacks by members of the ruling RPF following the publication of editorials in the *Washington Post* and Deutsche Welle that questioned the Supreme Court's decision to uphold the law on defaming the president.¹⁰³ Muvunyi's family in Rwanda was reportedly harassed and intimidated by state operatives. The state-owned newspaper, the *New Times*, also published an editorial that month aimed at discrediting Muvunyi.¹⁰⁴

Human rights organizations allege that Rwandan security forces perpetrate human rights violations, including arbitrary detention, ill treatment of detained people, torture, and forced disappearances.¹⁰⁵ Government officials regularly question, threaten, and arrest journalists and bloggers who express critical views on sensitive topics.¹⁰⁶

C8 0-3 pts

Are websites, governmental and private entities, service providers, or individual users subject to 2 / widespread hacking and other forms of cyberattack? 3

Although some incidents of hacking and cyberattacks occur, the problem is not widespread. The cybersecurity law passed in 2018 includes provisions that address hacking and other threats to online security (see C2). The law was passed during a period when hacking had increased. According to the authorities, hackers most commonly target financial institutions. In 2018, Rwanda's central bank recorded 22 separate hacking incidents.¹⁰⁷

There were no reported technical attacks against online news outlets during the period under study. The last reported attack occurred in April 2014, when investigative news site Ireme faced a seemingly targeted cyberattack from an unknown source. Ireme was accessible as of March 2020.¹⁰⁸

Footnotes

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