

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	114
Land:	Rwanda
Kilde:	Freedom House
Titel:	Freedom of the Press 2012
Udgivet:	24. oktober 2010
Optaget på baggrundsmaterialet:	11. december 2012

Freedom of the Press 2012 - Rwanda	
Publisher	Freedom House
Country	Rwanda
Publication Date	24 October 2012
Cite as	Freedom House, <i>Freedom of the Press 2012 - Rwanda</i> , 24 October 2012, available at: http://www.unhcr.org/refworld/docid/50895d8a28.html [accessed 30 November 2012]
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Freedom of the Press 2012 - Rwanda

2012 Scores

Press Status: Not Free

Press Freedom Score: 82

Legal Environment: 26

Political Environment: 32

Economic Environment: 24

Article 34 of Rwanda's constitution stipulates that "freedom of the press and freedom of information are recognized and guaranteed by the state," but other clauses broadly define circumstances under which these rights can be restricted, and in practice the media remain under the tight control of the government. The country's 2009 media law sets out strict regulations, accreditation requirements, and licensing procedures as well as requirements for journalists to reveal their sources to the government for purposes of criminal investigations and proceedings. The law prohibits the propagation of ideas based on "ethnic, regional, racial, religious, language, or other divisive characteristics." Public incitement to "divisionism," which includes discrimination and sectarianism, is punishable by up to five years in prison and fines of up to 5 million Rwandan francs (\$8,500). Statutes in the penal code forbid defamation of the head of state or other public officials, and these charges can carry up to five years in prison and fines of up to 10,000 Rwandan francs (\$17). These laws are generally seen as being vague and sweeping in breadth.

Journalists were frequently charged and convicted of defamation and "genocide ideology" in 2011, making self-censorship pervasive. Agnès Uwimana Nkusi, editor of the

now-defunct weekly *Umurabyo*, and Saidath Mukakibibi, a journalist with the same newspaper, were sentenced to 17 and 7 years imprisonment, respectively, in February 2011. The pair faced trial for opinion pieces published in 2010 that criticized government officials and challenged the official interpretation of the 1994 genocide. They had been arrested in July 2010, charged with insulting the head of state, promoting discrimination, sectarianism, and genocide denial, and remained detained for six months before the trial. Prosecutors had called for significantly longer jail terms. In June, Jean Bosco Gasasira, the exiled editor of *Umuwugizi*, was sentenced to two and half years in jail for civil disobedience and insulting President Paul Kagame in the online version of his newspaper. This was Gasasira's second conviction by the high court. In 2009, he had been convicted and fined for defamation and invasion of privacy. Gasasira fled the country in 2010 following the suspension of his newspaper. In August 2011, the bimonthly *Ishema* suspended publication for a month following threats against its managing director, Fidèle Gakire. Gakire said the threats related to an article published in its mid-July edition in which Kagame was referred to as a "sociopath." When the Media High Council (MHC) ruled that its reference to the head of state was libelous, the newspaper apologized by publishing an edition headlined "Sorry" that contained only articles praising the president. In the wake of the article, the paper's editor resigned, and Gakire was suspended for six months from the Forum of Private Newspapers, an organization of newspaper owners.

Following the January 2011 Universal Public Review (UPR) of Rwanda by the UN Human Rights Council, which highlighted violations of the right to freedom of expression and the suppression of independent media, Rwanda promised to review its genocide ideology and media laws. However, in a revised draft of the media law adopted by the cabinet in July, the state retained control over the establishment and functioning of the media. Furthermore, the law still contained broad definitions and vague provisions for exemptions. If this law were to be passed and enforced as written, there are several potentially positive provisions, including the removal of the requirement that journalists hold particular academic qualifications and the repeal of sanctions such as the suspension and closure of publications. The draft law was still under debate in parliament by year's end.

A revised Access to Information bill was adopted by the cabinet in June 2011. However, by year's end, the law was yet to be enacted. The proposed bill, drafted by the MHC in 2009, would set new standards for public access to information and aim to protect whistleblowers. The government also proposed a self-regulating media ombudsman to replace the current progovernment MHC. However, no further steps were taken. The MHC, set up under the 2009 media law to license journalists and media outlets, has

often been criticized for focusing more on policing the media than protecting press freedom.

Harassment and attacks on journalists severely hampered the state of freedom of expression in 2011. In November, Charles Ingabire, exiled editor of *Inyereri*, was shot dead by unknown assailants at a bar in Kampala, Uganda. *Inyereri*, an online publication, was highly critical of Kagame's regime. By year-end, investigations by Ugandan police into the murder were still underway. Also in November, three journalists were detained under unclear circumstances in the space of one week. Joseph Bideri, editor of the *New Times*, a pro-government, privately owned daily, was arrested and detained for two days by police after the publication of a series of articles alleging embezzlement in the construction of the Rukarara hydroelectric dam. Also arrested was Jean Gualbert Burasa, editor of the independent bimonthly *Rushyashya*. Burasa was allegedly arrested for driving under the influence of alcohol, but it is believed his arrest was in connection with an article about the desecration of a former minister's grave. Burasa was freed after four days. The third journalist, René Anthère Rwanyange, was arrested for alleged theft of a laptop computer. September saw the conclusion of the trial of two individuals accused of murdering Jean-Léonard Rugambage, a journalist with *Umuwugizi* who was shot dead outside of his home in 2010 following his article implicating Rwandan authorities in the attempted murder of an exiled Rwandan general. One of the accused was acquitted, while the second was sentenced to 10 years imprisonment.

The Rwandan media, which disseminates information in English, French, and Kinyarwanda, is dominated by progovernment newspapers and radio stations. There were 31 print publications registered with the government, though only about 10 of them published regularly. There were several reports that private printing houses declined to print newspapers or charged more for sensitive issues. There were 23 radio stations, six of them government-owned, and one government-run television station. The state-owned media has the largest reach throughout the country, and no attempts have been made to transform the state radio and television outlets into editorially and financially independent public broadcasters. Low pay for journalists, especially in the private media, can lead to corruption, and journalists often withhold damaging stories from publication in exchange for money and gifts. There were no reports that government officials attempted to discourage advertisers from working with newspapers critical of the government.

About 7 percent of the Rwandan population had access to the internet in 2011. Most online news content that originated from within Rwanda was produced by state media, while critical bloggers and publishers were generally based abroad. The government

blocked at least three websites critical of the ruling party in 2011, with indications that the filtering of internet content was timed to coincide with contentious events. For instance, access to *Umuvugizi*'s website in Rwanda was blocked twice during 2011, first on the day marking the one-year anniversary of Rugambage's death and again days prior to Gasasira's sentencing. There were also reports of the government monitoring e-mail and internet chat rooms.