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## Human Rights in Africa: Review of 2019 - Rwanda [AFR 01/1352/2020]

Political opponents faced severe restrictions on the right to freedom of association and some disappeared or were killed. Those expressing opinions deemed to be critical of the ruling party, the government and its policies, faced prosecution and lengthy prison sentences. Rwanda continued to host around 150,000 refugees, primarily from Burundi and the Democratic Republic of the Congo (DRC). President Paul Kagame pardoned 52 women jailed for having, or assisting with, abortions. The right to abortion remained restricted. Efforts to bring to justice those suspected to be responsible for the 1994 genocide continued.

### Background

Frank Habineza, the Democratic Green Party of Rwanda's leader and a former presidential candidate, became the party's first MP in the 2018 parliamentary elections. Major legislative reforms in 2018 included the adoption of a revised Penal Code, Code of Criminal Procedure and counter-terrorism legislation.

Senatorial elections were held in September 2019.

Tensions with neighbouring Uganda continued throughout 2019 despite an agreement in August aimed at improving relations.

### Freedom of association

The right to freedom of association for political opponents remained limited. Senior members of FDU-Inkingi (the United Democratic Forces party) were killed or disappeared in suspicious circumstances. Others faced harassment and intimidation at the hands of the authorities in attempts to stifle their right to freedom of association. Victoire Ingabire, the party's former president, who was released from prison in 2018 and given a presidential pardon, was repeatedly summoned by the Rwanda Investigation Bureau (RIB). Consequently, she left FDU-Inkingi and formed a new political party in November 2019.

## Enforced disappearances

The whereabouts of Boniface Twagirimana, FDU-Inkingi's vice-president, remained unknown, despite the RIB's confirmation that they were investigating his disappearance. In October 2018, the Rwanda Correctional Services said that he had escaped from the maximum security Mpanga International Prison shortly after his transfer there. He was accused of forming an irregular armed group and threatening state security, along with eight other party members, but was the only one to be transferred. RIB said that they were investigating and his whereabouts were yet to be established. The circumstances of his alleged escape suggested that he was forcibly disappeared.<sup>[1]</sup> Eugène Ndereyimana, another party member, disappeared in July while travelling to a meeting in Nyagatare in Eastern Province. His colleagues reported him missing when he failed to arrive.

## Unlawful killings

Anselme Mutuyimana, Victoire Ingabire's assistant, was found dead in March in suspicious circumstances, while Sylodio Dusabumuremyi, FDU-Inkingi's national coordinator, was stabbed to death by unidentified men in September. The following day, RIB announced that they had arrested two people as part of their investigation of Sylodio Dusabumuremyi's murder.<sup>[2]</sup>

## Refugees and asylum-seekers

Rwanda hosted around 150,000 refugees and asylum-seekers, primarily from Burundi, the DRC, as well as others who had been evacuated from Libya, most of whom were from Eritrea, and others from Ethiopia, Somalia, Sudan and South Sudan. In September, Rwanda, UNHCR and the African Union signed a memorandum of understanding stating that the transfers would be voluntary, and that those transferred to Rwanda would be given options of resettlement into a third country, return to country of origin, return to a country of where first asylum had been granted, or remaining in Rwanda, subject to agreement with the authorities. .

## Excessive use of force

By the end of the year, no one had been brought to justice for three incidents in 2018 where security forces used excessive force against protesting refugees resulting, in two incidents in one day, in the deaths of at least 11 Congolese refugees and scores of injuries when police opened fire on protests in Karongi town and Kiziba refugee camp, both in Western Province. The Rwanda National Police reported that seven police officers were also wounded. A few months later, further police operations in Kiziba resulted in clashes in which at least one refugee died from his injuries. An investigation by the National Commission for Human Rights, published in February 2019, found that the police were in line with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. The Commission failed to make recommendations to law

enforcement officers to review or improve their practices in policing assemblies to avoid injuries or killings. Between 2018 and 2019, more than 60 refugees were charged for participating in and organizing “illegal demonstrations”, “spreading false information with intent to cause a hostile international opinion of the government”, “violence against public authorities” and other similar charges. Court hearings in a case against members of the Kiziba camp refugee leadership were ongoing at the end of the year.<sup>[3]</sup>

## Freedom of expression

Those expressing opinions deemed to be critical of the ruling party, the government and its policies, faced harassment, intimidation, prosecution and lengthy prison sentences.

A refugee from Kiziba camp remained in prison serving a 15-year-sentence given to him in 2018 on charges including “spreading false information or harmful propaganda with intent to cause a hostile international opinion against the government”, and “causing an uprising or unrest among the population”. The grounds for his conviction included sharing information with international media and human rights groups.

In December 2018, the High Court acquitted government critic Diane Rwigara and her mother Adeline Rwigara on charges including inciting insurrection and forging documents. The court ruled that social media messages between Adeline Rwigara and her friends and family were private conversations and were not proof of inciting insurrection.

The following April, the Supreme Court ruled that criminalizing individuals for the “humiliation of national leaders and persons in charge of public service” and “public defamation of religious rituals” violated the right to freedom of expression. However, the Court upheld legal provisions which criminalized the use of “insults or defamation against the President” on grounds that “insulting the president [harms] public order”. President Kagame responded that the latter provision should be considered a civil rather than criminal offence.

In December, the Court of Appeal upheld convictions against Colonel Tom Byabagamba and retired Brigadier General Frank Rusagara, two former high-ranking military officials, for the peaceful expression of their opinions. They were originally convicted in 2016 and sentenced to 21 and 20 years’ imprisonment respectively for “inciting insurrection” and “tarnishing the image of the government”. In the December decision, their sentences were reduced to 15 years on a technicality.

## Arbitrary arrests and detention

In some cases, authorities failed to follow legal procedures when arresting and detaining suspects. Jackie Umuhoza, the daughter of exiled Pastor Deo Nyirigira, was arrested in the capital, Kigali, on 27 November. The RIB said that she was under investigation for treason and espionage (offences included in the ordinary Penal Code).

Under normal circumstances, she should have been held for only five days after her arrest before being brought before a judge. After public scrutiny of the case, the RIB stated that she was being held in accordance with the counter-terrorism law that allows for up to 90 days’ detention without charge, and which requires that detention must be approved by a prosecutor every 15 days. However, the RIB spokesperson declined to confirm whether a prosecutor had reviewed her detention.<sup>[4]</sup>

## Sexual and reproductive rights

In April, the President pardoned 367 people convicted for abortion, complicity in abortion and infanticide. In October, he pardoned 52 others jailed on abortion or infanticide charges. This followed substantial revisions to the Penal Code in 2018 which included removing the requirement of a court order to obtain a legal abortion in cases of rape, incest or forced marriage. However, in cases where continuing the pregnancy would pose a risk to the health of the pregnant person or the foetus, authorization from two doctors was still required. Moreover, self-induced abortion remained a criminal offence, as well as performing an abortion in all other circumstances.

## Crimes under international law

Efforts to bring to justice those responsible for the 1994 genocide continued.

In January, Vincent Murekezi was transferred, in a prisoner exchange, from Malawi to Kigali. He had been convicted of fraud in Malawi for which he completed his sentence in October, but remained in detention in Rwanda, serving a life sentence handed down *in absentia* by a gacaca court on genocide charges. (Gacaca courts were community-based courts that operated between 2005 and 2012 and drew on traditional local conflict-resolution mechanisms to address the genocide, however they did not provide the necessary guarantees to ensure the proceedings were fair.) The Ministry of Justice confirmed that he was eligible to apply for a retrial or for bail but would meanwhile remain in custody.

In April, the French President appointed a nine-member commission to review archival documents relating to the genocide and to evaluate the role France played in Rwanda between 1990 and 1994. The members were given two years to produce a report based on access to all official documents relating to Rwanda in the 1990-1994 period, including confidential presidential, diplomatic, military and intelligence archives.

In December, a Belgian court sentenced Fabien Neretse to 25 years in prison for his role in the genocide. He was convicted of multiple murders and attempted murders, which amounted to war crimes, and the crime of genocide.

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[1] Amnesty International, ‘Rwanda: Opposition politician found dead’, 18 March 2019, (Index: AFR 47/0063/2019)

[2] Amnesty International, ‘Rwanda: Ensure justice for opposition politician stabbed to death’, 24 September 2019

[3] Amnesty International, ‘Rwanda: Investigate killings of refugees,’ 22 February 2019 (Index: AFR 47/9866/2019)

[4] Amnesty International, ‘Rwanda: Pastor’s daughter arbitrarily detained: Jackie Umuhiza,’ 20 December 2019, (Index: AFR 47/1600/2019)

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