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Rwanda: Opposition Leader's Sentence Upheld

The confirmation by the Rwandan Supreme Court of a four-year prison sentence for Bernard Ntaganda, an opposition leader, is a blow for those who had hoped the Court might protect free speech, Human Rights Watch said today. Ntaganda, founding president of the PS-Imberakuri opposition party, is one of several government critics, including two journalists, who remain in prison solely for the legitimate expression of their views.

In its judgment on April 27, 2012, the Supreme Court in the Rwandan capital, Kigali, upheld charges of endangering national security and “divisionism”— inciting ethnic divisions – against Ntaganda.

“Ntaganda’s arrest and prosecution have been politically motivated from the outset,” said [Daniel Bekele](#), Africa director at Human Rights Watch. “Putting an opposition politician in prison solely for criticizing state policies has no place in a democratic society.”

Human Rights Watch has documented other cases in which laws and charges such as endangering state security and inciting public disobedience have been used to prosecute and intimidate government critics.

Ntaganda was arrested on June 24, 2010, during a crackdown on opposition parties,

journalists and other perceived government critics in the period leading up to presidential elections in [August 2010](#). He was charged with endangering national security, “divisionism,” and attempting to organize demonstrations without authorization. On February 11, 2011, he was [sentenced to four years in prison](#) and ordered to pay a fine.

The Supreme Court’s judgment in Ntaganda’s case comes just three weeks after its judgment in another key case – of the *Umurabyo* newspaper journalists Agnès Uwimana and Saidati Mukakibibi. The two journalists, who were arrested in July 2010, were sentenced in February 2011 to 17 and 7 years in prison respectively in connection with articles viewed as critical of the government and President Paul Kagame.

They appealed the verdict, and on April 5, the Supreme Court reduced their sentences to four and three years respectively. It upheld charges of endangering national security against both women, and a charge of defamation against Uwimana, the newspaper’s editor. It dropped charges of minimization of the 1994 genocide and divisionism against Uwimana.

“If the Supreme Court had any regard for protecting free speech under the law, it should have acquitted these two journalists, as it should have acquitted Ntaganda,” Bekele said. “The reduction of the journalists’ sentences may be of some comfort, but they should not have to spend any time in prison at all.”

[Rwanda](#) has embarked on a process of legal and other reforms of the media. Several donor governments have been quick to praise these proposals. However, the scope for independent journalism and investigative reporting in Rwanda remains very limited.

“The new draft media laws contain positive amendments, such as lifting burdensome professional requirements on journalists, but these reforms remain theoretical for as long as journalists like Uwimana and Mukakibibi serve time in prison for publishing critical articles,” Bekele said. “Rwanda should abolish defamation as a criminal offense.”

Background

Freedom of expression and association are severely restricted in Rwanda. Almost two years after the presidential elections in which Kagame was re-elected with more than 93 percent of the vote, Rwanda still has no functioning opposition parties.

The PS-Imberakuri has been greatly weakened since Ntaganda’s arrest. In March 2010, members of the ruling Rwandan Patriotic Front (RPF), together with dissident members

of the PS-Imberakuri, engineered a takeover of the PS-Imberakuri and replaced Ntaganda with a new and compliant leadership. That wing of the party has not been known to criticize the government.

Party members who have remained faithful to Ntaganda have been subjected to intimidation and threats. Two PS-Imberakuri members, Sylver Mwizerwa and Donatien Mukeshimana, remain in prison after being sentenced in August 2011 to three years and two years respectively for “rebellion” and destruction of property, allegedly for breaking into the PS-Imberakuri office after the landlord had reclaimed it.

The FDU-Inkingi, another opposition party, has been similarly weakened since the arrest of its leader, Victoire Ingabire, in October 2010. Ingabire has been charged with six offenses, including terrorist acts linked to allegations of collaboration with armed groups in the Democratic Republic of Congo, “genocide ideology,” and “divisionism.” Her trial, which began in September 2011, has had numerous delays and setbacks. On April 16, Ingabire announced she would boycott the rest of her trial after a witness called by the defense described events that appeared to constitute attempts to intimidate him.

The witness had undermined the credibility of evidence provided by one of Ingabire’s co-defendants, who, he said, may have been induced into incriminating Ingabire. On the order of the prosecution the prison authorities searched the cell of the witness – who is serving a prison sentence – and, as the witness confirmed to the court, all his personal documents were seized, including notes he had prepared for his court statement. In court the prosecution confirmed the search by producing the notes. In a highly unusual procedure, the witness had also been questioned out of court, by prison authorities, without a lawyer.

In April 2011 two other members of the FDU-Inkingi, Anastase Hagabimana and Norbert Manirafasha, were arrested in connection with a draft statement by their party criticizing an increase in the cost of living in Rwanda. Manirafasha spent two weeks in prison and Hagabimana four months. Both were released.

A third opposition party, the Democratic Green Party of Rwanda, has effectively been unable to function since the [murder of its vice president in July 2010](#) . In the aftermath of the vice president’s death, the party’s president fled the country and remains in exile.

The landscape for independent journalists in Rwanda also remains bleak. Following the suspension of two popular independent newspapers, *Umuseso* and *Umuwugizi*, and the murder of an *Umuwugizi* journalist, [Jean-Léonard Rugambage](#), in 2010 , several leading

independent journalists fled the country. Others have opted to remain silent or limit their reporting to non-controversial issues.

Less prominent people have also been punished for criticizing state policies. For example Abbé Emile Nsengiyumva, a priest in Rwamagana, eastern Rwanda, is serving an 18-month prison sentence after being found guilty of endangering state security and inciting civil disobedience. He was arrested in December 2010 after speaking out against certain government policies, including plans to destroy thatched houses (known as *nyakatsi*) in favor of more durable housing and proposals to introduce family planning restrictions.