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## World Report 2011

### Events of 2010

Rwanda's development and economic growth continued in 2010, but there were numerous violations of civil and political rights, and the government failed to fulfill its professed commitment to democracy. The year was marked by political repression and restrictions on freedom of expression and association in the run-up to the presidential election. In August President Paul Kagame was re-elected with 93.8 percent of the vote in an election in which he faced no meaningful challenge. None of the new opposition parties were able to participate in the elections. Opposition party members, independent journalists, and other government critics were subjected to persistent intimidation and harassment, including arrests, detention, ill-treatment, death threats, and at least two extrajudicial killings. A prominent government opponent in exile narrowly escaped an attempt on his life. Human rights organizations encountered hostility and numerous obstacles to their work.

Trials in the gacaca courts-community-based courts trying cases related to the 1994 genocide-began to wind down, though the deadline for their closure was postponed several times. The imminent completion of the gacaca process opened the way for further justice reforms. However, continuing concerns about fair trials prevented other states, as well as the Tanzania-based International Criminal Tribunal for Rwanda (ICTR), from transferring genocide suspects to Rwanda.

The report of the mapping exercise on the Democratic Republic of Congo (DRC) by the Office of the United Nations High Commissioner for Human Rights documented grave crimes allegedly committed by the Rwandan army in 1996 and 1997.

#### Attacks on Government Opponents

None of the three new opposition parties were able to nominate candidates in the presidential election. Local authorities prevented the FDU-Inkingi and the Democratic Green Party from registering as parties. Meetings of the PS-Imberakuri were disrupted, sometimes violently, by dissident members and other individuals.

The PS-Imberakuri, registered in 2009, was taken over in March 2010 by dissident members believed to have been manipulated by the ruling Rwandan Patriotic Front (RPF). In late 2009 the Senate summoned the party's president, Bernard Ntaganda, on accusations of "genocide ideology." In June the police arrested Ntaganda and raided his house and the party office. The charges against him included endangering national security, inciting ethnic divisions, and organizing demonstrations without authorization. By November he was still in prison awaiting trial.

Victoire Ingabire, president of the FDU-Inkingi, who returned to Rwanda in January after 16 years in exile, was arrested in April on charges of "genocide ideology," "divisionism," and collaboration with the Democratic Forces for the Liberation of Rwanda (FDLR), an armed group active in eastern DRC and composed in part by individuals who participated in the 1994 Rwanda genocide. Ingabire was released on bail with travel restrictions, but in October was re-arrested following allegations of involvement in forming an armed group. In November she remained in detention awaiting trial.

Members of the three new opposition parties received threats related to their party activities. Several members of the PS-Imberakuri and the FDU-Inkingi were arrested for attempting to hold a demonstration in June. Some were released, but others were arrested in July. Several were ill-treated by police in detention. In July the Green Party's vice-president, André Kagwa Rwisereka, was found dead, his body mutilated, outside the town of Butare. The circumstances of his death remain unclear.

Peter Erlinder, an American and one of Victoire Ingabire's defense lawyers, was arrested in May on charges of "genocide denial and minimization," and "spreading malicious rumors that could endanger national security." He was released on bail three weeks later. The charges against Erlinder, who is also a defense lawyer at the ICTR, related primarily to articles published in previous years in which he questioned key events surrounding the genocide.

On June 19 Faustin Kayumba Nyamwasa, a Rwandan general in exile in South Africa since February, was seriously injured in a murder attempt in Johannesburg. Once a close ally of President Kagame and former chief-of-staff of the Rwandan army, Nyamwasa has become an outspoken government critic since early 2010. South African authorities arrested several suspects. Rwanda has requested Nyamwasa's extradition, alleging he was behind a series of grenade attacks in Kigali earlier in the year.

Deogratias Mushayidi, a former journalist and outspoken government opponent in exile, was arrested in Burundi in March and handed over to Rwandan authorities. In September Mushayidi was found guilty and sentenced to life imprisonment on three charges: spreading rumors inciting civil disobedience, recruiting an armed group to overthrow the government, and using forged documents. He was also charged with four other offenses, including "genocide ideology" and "divisionism."

The government continued to use a law on "genocide ideology"-a broad and ill-defined offense-as a tool to silence independent opinion and criticism. In a welcome development, the minister of justice announced that the law was being reviewed.

#### Clampdown on Independent Media

In April the government-affiliated Media High Council suspended the independent newspapers Umuseso and Umuvugizi for six months, then called for their definitive closure, alleging, among other things, that some of their articles threatened national security. The editors of both newspapers fled into exile after receiving threats. Copies of the first edition of The Newline, an English-language newspaper produced by exiled Umuseso journalists, were seized at the Uganda-Rwanda border in July.

In February Umuseso editor Didas Gasana, former editor Charles Kabonero, and journalist Richard Kayigamba were found guilty of defamation; they received sentences of between six months' and a year's imprisonment and were ordered to pay a large fine. In April Umuvugizi editor Jean-Bosco Gasasira was also found guilty of defamation and fined.

Umuvugizi journalist Jean-Léonard Rugambage, who had been investigating sensitive cases including the attempted murder of Nyamwasa, was shot dead in June outside his home in Kigali. He had reported being under increased surveillance in the days before his death.

Three journalists with the Umurabyo newspaper were arrested in July in connection with articles published in their newspaper; two remain in detention at this writing, while the other was only held for one day.

#### Obstructions to the Work of Human Rights Organizations

Human rights organizations operated in a difficult and hostile climate. Rwandan human rights groups, weakened by years of intimidation, received threats and were publicly accused by government officials of supporting the government's overthrow and armed groups linked to the genocide. Civil society itself was divided: organizations close to the government publicly denounced those who were more critical, such as the LDGL and LIPRODHOR, two of the few independent human rights groups left in the country. Under pressure from individuals close to the government, several organizations disowned a joint civil society submission on Rwanda for the Universal Periodic Review at the UN Human Rights Council.

International nongovernmental organizations, including Human Rights Watch, were repeatedly criticized and discredited by senior government officials and the pro-government media. Immigration authorities cancelled the work visa in March of Human Rights Watch's senior researcher in Kigali, rejected her second visa application, and forced her to leave the country in April.

#### Sexual Orientation and Gender Identity

In December 2009 the parliament took a positive initiative by voting against criminalizing homosexuality. However, continuing negative comments on homosexuality by some public officials and newspapers reinforced the stigma faced by sexual minorities.

#### Gacaca Trials

Gacaca courts were due to end their genocide trials in 2010, but the definitive completion of the process was

repeatedly delayed. The government is developing mechanisms to handle outstanding genocide cases and to adjudicate alleged miscarriages of justice by gacaca jurisdictions.

Gacaca courts have prosecuted around 1.5 million cases with involvement from local communities across the country. The conduct of trials before gacaca courts has been mixed. Some judges delivered fair and objective judgments. Others handed down heavy sentences, including life imprisonment in isolation, on the basis of very little evidence. A number of witnesses and judges proved vulnerable to corruption and outside influence, affecting the outcome of trials and undermining confidence in the courts. Some defense witnesses were afraid to testify for fear of being accused of genocide themselves, and there were numerous allegations that gacaca courts sacrificed the truth to satisfy political interests.

#### Cases Related to the Democratic Republic of Congo

Laurent Nkunda, former leader of the Congolese rebel group the National Congress for the Defense of the People (CNDP), remained illegally detained under house arrest, without charge or trial, since January 2009. Repeated attempts to get his case heard in Rwandan courts were thwarted on the basis of legal technicalities.

There were several arrests, disappearances, and at least one killing of Congolese supporters of Nkunda in Rwanda, including Denis Ntare Semadwinga, who was murdered in June, and Sheikh Iddy Abbasi, who disappeared after being abducted in March.

On October 1 the Office of the UN High Commissioner for Human Rights published the report of its mapping exercise on the most serious violations of human rights and international humanitarian law in the DRC between March 1993 and June 2003 (see chapter on the DRC). Among other things, the report documents grave crimes allegedly committed by the Rwandan army in 1996 and 1997. While the Congolese government welcomed the report, the Rwandan government rejected it, initially threatening to pull out its peacekeepers from UN missions if the UN published it.

#### Key International Actors

Most Western donors remained broadly supportive of the Rwandan government and few expressed public concern about human rights violations. However, in the pre-election period, and in the face of increasingly critical media coverage of Rwanda in their own countries, some donor governments raised mostly private concerns about political and media restrictions with the Rwandan government. These concerns were also mentioned in the final report of the Commonwealth Observer Group on the presidential election. Relations between Rwanda and the UN came under strain following the publication of the UN mapping report on the DRC.