

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	87
Land:	Rwanda
Kilde:	Refugee Documentation Centre of Ireland
Titel:	Legal Aid Board. Rwanda – Researched and compiled by the Refugee Documentation Centre of Ireland on 24 Marts 2011. Treatment of opposition to Tutsi Government
Udgivet:	24. marts 2011
Optaget på baggrundsmaterialet:	17. maj 2011



Refugee Documentation Centre (Ireland)
LEGAL AID BOARD

Rwanda - Researched and compiled by the Refugee Documentation Centre of Ireland on 24 March 2011

Treatment of opposition to Tutsi Government.

Human Rights Watch in its annual report on Rwanda states:

“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.” (Human Rights Watch (January 2011) *World Report 2011 – Rwanda*)

The *United States Department of States* report on Rwanda, in a section titled Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government, notes

“The constitution provides for a multiparty system but offers few rights for parties and their candidates. Parties were not able to operate freely, and parties and candidates faced legal sanctions if found guilty of engaging in divisive acts, destabilizing national unity, threatening territorial integrity, or undermining national security. The government's enforcement of laws against genocide ideology or divisionism discouraged debate or criticism of the government and resulted in brief detentions and the holding of one political prisoner, former minister Ntakirutinka.

All political organizations were constitutionally required to join the Forum for Political Organizations, which continued to promote consensus at the expense of political competition, according to observers. Independent political parties must demonstrate membership in every district, reserve at least 30 percent of a party's leadership for women, and provide a written political program signed by a notary in order to register.” (United States Department of State (11 March 2010) *2009 Country Reports on Human Rights Practices – Rwanda*)

The same report continues stating:

“Police arbitrarily arrested opposition members. For example, in September local authorities arrested a PS-Imberakuri member for political campaigning at school and

breach of public order after he reportedly spoke to students about his party. Police released him without charge after three days; however, district authorities in Ruhango subsequently dismissed him from his teaching position.

During the year authorities prevented political party organizers from meeting" (Ibid)

A February 2011 report from *Amnesty International* states:

"Amnesty International has called for the unconditional release of Rwandan opposition leader Bernard Ntaganda jailed today on politically motivated charges.

Bernard Ntaganda, president of the Ideal Social Party (PS-Imberakuri) party, was sentenced to 4 years imprisonment after being found guilty of breaching state security, of "divisionism" for holding public speeches criticizing government policies ahead of last year's elections, and attempting to plan an "unauthorized" demonstration.

Ntaganda had been arrested at dawn on 24 June 2010 - the first day that presidential candidates could register for the elections - and remanded in pre-trial detention.

Restrictions on freedom of association and expression prevented new opposition parties from contesting the August 2010 presidential elections.

Ntaganda's prosecution for threatening state security and "divisionism" was based solely on his speeches criticizing government policies." (Amnesty International (14 February 2011) *Rwandan opposition politician jailed for exercising rights*)

An October 2010 *Human Rights Watch* report on harassment of government opponents states:

"The Rwandan government should fully respect the rights of opposition party members and allow them to carry out their legitimate activities without fear for their safety, Human Rights Watch said today.

Human Rights Watch issued its statement in response to the re-arrest of Victoire Ingabire, president of the opposition party FDU-Inkingi, and the transfer from prison to a hospital of Bernard Ntaganda, president of another opposition party, the PS-Imberakuri, both on October 14, 2010. Both parties have been critical of the Rwandan government and were prevented from participating in the presidential elections in August." (Human Rights Watch (15 October 2010) *Rwanda: Protect Rights and Safety of Opposition Leaders*)

In a section titled Political Rights and Civil Liberties, a *Freedom House* report on Rwanda states:

"Rwanda is not an electoral democracy. International observers have noted that the 2003 presidential and 2003 and 2008 parliamentary elections, while administratively acceptable, presented Rwandans with only a limited degree of political choice. The 2003 constitution grants broad powers to the president, who can serve up to two seven-year terms and has the authority to appoint the prime minister and dissolve the bicameral Parliament. The 26-seat upper house, the Senate, consists of 12 members elected by

regional councils, eight appointed by the president, four chosen by a forum of political parties, and two representatives of universities, all serving eight-year terms. The Chamber of Deputies, or lower house, includes 53 directly elected members, 24 women chosen by local councils, and three members chosen by youth and disability groups. All serve five-year terms.

The constitution officially permits political parties to exist, but only under strict controls. The constitution's emphasis on "national unity" has the effect of limiting political pluralism. The RPF dominates the political arena, and parties closely identified with the 1994 genocide are banned, as are parties based on ethnicity or religion. These restrictions have been used to eliminate parties that have the potential to challenge the RPF's dominance. The constitutionally mandated Political Party Forum vets proposed policies and draft legislation before they are introduced in Parliament. All parties must belong to the forum, which operates on the principle of consensus, though in practice the RPF guides its deliberations. Parliamentary committees have begun to question ministers and other executive branch officers more energetically, and some of these debates are reported in the local press. As the country moves toward the 2010 presidential election, the government appears to be tightening controls on independent political activity." (Freedom House (24 June 2010) *Freedom in the World 2010 - Rwanda*,)

This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

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