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Rwanda

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Rwanda is a constitutional republic dominated by a strong presidency. The population was 8.4 million. The largely Tutsi Rwandan Patriotic Front (RPF), took power in 1994 and formed a government of National Unity that functioned during the transitional period following the civil war and genocide until 2003, when President Paul Kagame was elected to a seven-year term in largely peaceful but seriously marred elections.

The country was affected by continuing instability in the eastern Democratic Republic of the Congo (DRC), where armed rebel groups continued to operate with impunity despite the presence of a UN peacekeeping mission in the DRC. During the first two months of the year, there were unconfirmed reports from credible sources that Rwanda Defense Forces (RDF) troops were at times present in the eastern part of the DRC, particularly following public threats by the Rwandan president in December 2004, which indicated that the government might send RDF troops into the DRC to attack Hutu rebels deemed a threat to its security. However, the government publicly denied allegations that RDF troops were operating in the DRC. Unlike in the previous year, there were no reports that Rwandan rebels in the DRC, known as the Democratic Forces for the Liberation of Rwanda (FDLR), conducted attacks in the northwestern region of Rwanda. The FDLR, largely made up of Rwandan Hutus who fled to the DRC in 1994 after the genocide, continued to be led by many individuals responsible for leading the genocide, and it continued to actively oppose the Kagame government.

While generally there were few disciplinary problems in the police force during the year, there were instances where government authorities did not maintain effective control of the security forces, and where security forces acted independently of government authority.

The government's human rights record remained poor, and there were instances when the government committed serious abuses; however, there were some improvements during the year. There were slightly fewer reports of human rights violations committed by the government. Unlike in the previous year, there were no reports of politically motivated disappearances, and there were fewer reports that police abused suspects and that the government arbitrarily arrested members of civil society groups and opposition politicians. During the year prison conditions improved. Unlike in the previous year, there were no reports that the government hindered the UN International Criminal Tribunal for Rwanda (ICTR), or that security forces monitored homes or telephone calls. There were fewer reports of the government violating the rights of Jehovah's Witnesses. Women continued to be well represented in the legislative branch, and government anticorruption efforts resulted in a reduction in the level of corruption perceived by citizens. In addition unlike in the previous year, there were no reports of the Local Defense Forces (LDF) recruiting children; fewer reports of women being trafficked internally or to Europe for prostitution; and no reports of local government officials inciting Tutsi citizens to make false accusations against or discriminate against Hutus. Widespread poverty and the destruction of the country's social fabric, human resource base, institutional capacity, and economic and social infrastructure during the 1994 genocide continued to have an adverse impact on the country's human rights situation. The following human rights problems were reported:

- abridgement of citizens' right to change their government
- reports of unlawful killings by security forces
- reports of the use of torture and excessive force by security forces
- harsh prison and detention center conditions
- impunity
- arbitrary arrest and detention and political detainees
- prolonged pretrial detention and denial of fair public trials
- political prisoners, including former President Pasteur Bizimungu
- arbitrary interference with family and home
- restrictions on freedoms of speech, press, assembly, and association
- restrictions on freedom of religion
- abridgement of protection rights for refugees or asylum seekers
- restrictions on civil society
- societal violence and discrimination against women

- trafficking in persons
- child labor
- lack of protections of some workers' rights

On January 25, the UN reported that the government continued to "maintain security arrangements" with and provide weapons to armed proxy groups, including ex-Congolese Rally for Democracy-Goma (RCD-G) combatants, who continued to operate and commit serious human rights abuses in the DRC, including killings and rape.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including

<Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reported political killings by the government or its agents; however, there was one report of a soldier charged with committing three arbitrary killings, and a local NGO reported nine unlawful killings by the LDF between July and December.

On November 3 in Cyangugu Province, Gitambi Sector, the Rwandan League for the Promotion and Defense of Human Rights (LIPRODHOR) reported that the LDF killed a man accused of theft while he attempted to escape police custody. At year's end an investigation was ongoing.

According to a December 16 article in the Kigali-based newspaper *The New Times*, following an argument on December 2, Corporal Gapira Ndengeye shot and killed Athanasie Mukarubug, a prostitute, as well as her two daughters, 10-year-old Nadine Tuyisenge and 13-year-old Josiane Ndayishimiye, in Butare Province's Tumba Sector. A military court in Butare Province began Ndengeye's trial in December, and although a verdict was expected on December 28, no additional information was available by year's end.

There were no developments in the January 2004 beating to death of Protais Ntiruhunwa, a boy, by soldiers.

There were no developments in the April 2004 beating to death of a plantation worker by an LDF member in the Gisenyi Province district of Kanama.

During the year police arrested two LDF members and charged them with the killing of Jean Baptiste Nsekanabo in May 2004.

LDF officers who were arrested for committing abuses in 2003 remained in jail, and none of their cases reached conclusion during the year.

Although there was no indication that RDF forces were directly involved, there continued to be reports during the year of killings and other human rights abuses--including torture, rape, and looting--committed with impunity by armed groups and militias in the DRC. Verification of these reports was extremely difficult, particularly those originating from remote areas and those affected by active combat in the eastern part of the DRC. However, based on investigations conducted and information collected in late 2004 and January, a UN panel of experts reported that the Rwandan government continued to maintain a "residual presence" in the DRC and cited evidence indicating that the Rwandan government continued to provide military support to insurgent proxy groups in the DRC; however, the Rwandan government maintained that it no longer had troops in eastern DRC. It also denied any responsibility for the numerous serious human rights abuses committed against civilians by armed groups in the DRC.

At year's end, the government had not opened any new inquiries into the abuses by its troops in previous years in the DRC. The appeals of RDF Sergeants Nkusi and Seuhoro, both convicted of two 1998 murders by a military court in 2003, were pending at year's end.

According to reports, during the year unidentified individuals killed approximately 15 witnesses to the genocide throughout the country to prevent testimony and undermine the rural community-based justice system (*gacaca*), which the government established to address certain categories of crimes related to the 1994 genocide. Police investigated at least some of the killings, although it was not known if they had made any arrests by year's end. The government worked actively to stop the killing of witnesses to the genocide, and there were significantly fewer killings during the year than in 2004.

There was no information available on persons arrested in 2004 whom police suspected of killing witnesses to the genocide.

The ICTR, based in Tanzania, continued to prosecute genocide suspects during the year (see section 4).

Unlike in the previous year, there were no reports of killings committed in the country by insurgents who were allied with persons responsible for the 1994 genocide. There were no developments in the 2004 killings by FDLR members

and other armed individuals.

In March the FDLR leadership, which included many individuals responsible for leading the 1994 genocide, said that it would disarm and return to the country but did not follow through after imposing conditions that numerous international observers called unreasonable, including that it receive special treatment in the political arena. During the year, according to its stated policy, the government welcomed and repatriated hundreds of former FDLR combatants, who had fled the tight control of the FDLR's leadership; however, the government reiterated its policy that the FDLR members would not receive special treatment and would be subject to genocide trials, like the general population, if they were over 14 years of age at the time of the 1994 genocide.

b. Disappearance

Unlike the previous year, there were no reports of politically motivated disappearances within the country; however, during the year a government official reportedly threatened a staff member of an international NGO while it was investigating the disappearances of individuals (see section 4).

The government claimed to have no knowledge of the whereabouts of Jean Damascene Tuyizere, who disappeared after security forces arrested and questioned him for several days in April 2004 in Gisenyi Province.

Regarding the case of the October 2004 disappearances of Jean de Dieu Kwizera, David Habimana, Block Mugambira, and Jean Paul Kamondo--campaign workers of 2003 presidential candidate and former Prime Minister Faustin Twagiramungu--the government stated that authorities had released the four men on bail and that criminal proceedings were under way at year's end.

In March, April, and May, a court heard the case of Jean Leonard Kagabo, an RDF captain who disappeared for at least two months after police arrested him on charges of attempted desertion in November 2004, along with three of his alleged accomplices. At year's end Kagabo was still in detention, and his trial continued.

There were no developments in the 2003 disappearances of two prominent citizens and four high-level government officials, including parliamentarian Dr. Leonard Hitimana, a member of the Democratic Republican Movement (MDR), an opposition party. However, according to a resolution adopted on October 19 by the Inter-Parliamentary Union, an international organization composed of national parliaments, "harassment" of the family and friends who have been supporting the children of Hitimana continued during the year. In addition the resolution stated that during the year Theobald Rutihunza, a source of information in the Hitimana case and the former president of LIPRODHOR, was "the subject of reprisals, which affect in particular his 80-year-old mother." The resolution did not identify the perpetrators of the harassment or reprisals.

The government provided no proof of claims made in a June 2004 report on the status of several investigations of high-profile disappearances, all of which occurred in 2003, following the release of a 2003 government report criticizing the MDR and calling for its dissolution. According to a June 2004 government report, Lieutenant Colonel Cyiza, a former supreme court vice president who disappeared in 2003, was residing in the DRC; and two other military officers previously reported missing were in Burundi.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits torture; however, during the year a local NGO reported that an official committed acts of torture in the Nyamirambo Sector of Kigali City's Nyamirambo District. In addition another local NGO reported that it received approximately 96 clients each month who requested assistance for torture victims; however, an undetermined number of these victims may have been tortured during the genocide. During the year there were fewer reports of police officers abusing suspects; however, police officers sometimes reportedly beat suspects at the time of arrest. In addition the National Human Rights Commission, created by the National Assembly in 1999, reported that the government operated secret, illegal detention centers (in Kibungo Province, for example); however, although the Senate was expected to investigate these reports, they had not been confirmed by year's end.

There were numerous reports that police arrested, detained, and beat members of Jehovah's Witnesses because they refused--on religious grounds--to participate in nighttime security patrols (see section 2.c.). During the year police reportedly beat at least 12 Jehovah's Witnesses while they were in police custody. However, according to the Jehovah's Witness National Executive Council, prison and detention center beatings of Jehovah's Witnesses were less numerous than in the previous year.

There continued to be reports that security forces at times beat, harassed, or threatened individuals they deemed to be civil dissidents, journalists, and members of NGOs (see sections 2.a., 2.b., 2.c., and 4).

No action had been taken by year's end against Corporal Mwitabangoma, who allegedly was responsible for beating Mathias Mugabo.

Unlike in 2004, there were no reports of unexploded ordnance killing or injuring persons during the year.

During the early part of the year, according to a UN panel of experts, combatants in the eastern region of the DRC--whom the Rwandan government provided with military supplies--committed numerous serious human rights abuses, including torture, beatings, and rape (see section 4).

Prison and Detention Center Conditions

Prison and detention center conditions were well below international standards and were harsh.

Chronic overcrowding, a consequence of the genocide combined with a lack of government capacity, remained a serious problem, although the conditional release of approximately 22 thousand prisoners in August relieved some of the problems attributed to overcrowding. The government remained committed to improving prison and detention center conditions, and they improved during the year.

The International Committee of the Red Cross (ICRC) estimated that there were 67 thousand prisoners following the August release in the country's 16 central prisons, including approximately 53 thousand accused of genocide-related crimes and approximately 14 thousand detained on charges unrelated to the genocide. Sanitary conditions in prisons and detention centers were poor at the beginning of the year but improved as the year progressed. Despite continuing efforts, the government did not provide adequate medical treatment. The government provided food to prisoners, but it was not sufficient. Family members supplemented food provisions, and the ICRC assisted the government by providing 15 percent of the food in the 16 main prisons and also provided additional expertise and medical, logistical, and material support to improve conditions for inmates. Prison deaths largely were the result of preventable diseases and suspected cases of HIV/AIDS. There were an undetermined number of deaths in prison reported during the year. National prison policy prohibits the hiring of prisoners to perform work at private residences and businesses. However, community service was often part of a prison sentence for those who confessed to crimes, and prisoners may work (uncompensated) on community projects such as building roads, bridges, and private residences (see section 6.c.).

More than 500 minors were incarcerated with adults throughout the prison system. In August the government released all minors who had been detained for genocide-related crimes in a provisional prisoner release. The 800 minors who remained in prison were detained for crimes not related to the genocide. The government also made efforts to better ensure that minors were incarcerated separately from adults. However, due to the physical constraints of prison facilities, many minors were held with the general adult population, although at one prison (Cyanguu Prison), children between 14 and 18 years of age were housed in a separate block. In addition courts continued to give minors special treatment, taking into consideration their ages during sentencing. Pretrial detainees generally were separated from convicted prisoners; however, there were numerous exceptions as a result of the large number of genocide detainees awaiting trial. Some high profile political prisoners, such as former president Bizimungu, were kept in special sections of regular prisons, while others, such as Father Guy Theunis, a Belgian priest accused of genocide-related crimes, were kept with the general population with no reported problems (see sections 1.d. and 1.e.).

Women were detained and imprisoned separately from men. In addition there was at least one prison (Miyove Prison in Byumba district) exclusively for women. At another prison (Cyanguu Prison), living conditions for women were better than those for men. Women prisoners were fewer in number and housed in their own block, with separate beds.

During the year Lawyers without Borders reported that an NGO undertook efforts at Gitarama central prison to facilitate the separation of women, juveniles, and pretrial detainees from convicted prisoners.

The government permitted independent monitoring of prison conditions, and the ICRC, human rights organizations, diplomats, and journalists had regular access to the prisons. The ICRC continued its visits to communal jails and military-supervised jails.

d. Arbitrary Arrest or Detention

The constitution provided legal safeguards against arbitrary arrest and detention; however, in many instances, security forces arrested and detained persons arbitrarily.

Role of Police and Security Apparatus

The RDF maintains external security. The National Police, under the minister of internal security, has responsibility for internal security and is headed by a commissioner general and two deputy commissioners, one for operations and another for administration. Five assistant commissioners oversee the various units, such as traffic, intelligence, criminal investigations, protection, and the provincial areas. The police lacked basic resources such as handcuffs, radios, and patrol cars. However, they participated in extensive training programs, and the police academy curriculum included training on human rights, nonlethal use of force, and professionalism. There was little problem with corruption or discipline within the police force due to strict training and close monitoring. During the year, although efforts were taken to professionalize the national police, there were some cases of beatings of suspects. The prosecutor general's office under the ministry of justice was responsible for investigating police abuse.

Members of local communities chose and selected community volunteers to serve in the LDF, a law enforcement organization under the Ministry of Interior that assisted police. The national police oversaw the LDF, which was not a

constitutionally based institution. LDF members performed basic security guard duties throughout the country, including maintaining a presence at gacaca proceedings, were not paid, and received less training than the national police. LDF members did not have powers of arrest, but in practice they made arrests on orders from local administrative officers. Among its various duties, the LDF chased illegal street vendors, petty criminals, and prostitutes away from public areas. Unlike in the previous year, there were no reports that the LDF acted with impunity. During the year the government prosecuted individual LDF members who committed crimes; however, some human rights groups accused the government of not taking sufficiently strong action against some LDF members and considered the organization to be abusive.

Arrest and Detention

The law requires that authorities investigate and obtain a judicial warrant before arresting a suspect. Police may detain persons for up to 72 hours without a warrant, and formal charges must be brought within 5 days of arrest; however, these provisions were often disregarded during the year. The law permits investigative detention if authorities believe that public safety is threatened or that the accused might flee. There is no bail, but the authorities may otherwise release a suspect pending trial if they are satisfied that there is no risk that the person may flee or become a threat to public safety and order. Police used incommunicado detention during the year. By law detainees are allowed access to lawyers. In practice, however, access to legal representation was problematic due to the scarcity of lawyers in the country (only 140 total, most of them in Kigali). Moreover, the government did not provide indigent persons with free access to lawyers, and the Kigali Bar Association lacked the resources to provide lawyers to every indigent. The law requires the government to provide minors with legal representation, which judicial observers cited as a factor in juvenile trial delays. Family members were promptly allowed to visit detained relatives. However, according to a local NGO, prison management sometimes limited access.

During the year security forces sometimes used arbitrary arrest and detention. Authorities detained numerous individuals either after they expressed viewpoints unacceptable to the government or because of their membership in religious organizations.

Several members of Jehovah's Witnesses were arbitrarily arrested during the year (see section 2.c.).

There were reports of political detainees throughout the year, although there were no available estimates of the number. Many were detained for short periods and then released. For example on April 30, security forces detained Colonel Patrick Karegeya, spokesperson for the RDF and former head of National Security Services, and held him incommunicado at a special facility until September 29. He was not charged with any offense. According to press reports, he was detained for "indiscipline."

In March the high court began the trial of former parliamentarian Leonard Kavutse (see section 1.e.).

There was no additional information regarding the 2003 arbitrary arrest and detention of Janvier Munyemana. In the 2003 arbitrary arrest and detention of Pierre Gakwandi, secretary general of the MDR, a court convicted and sentenced Gakwandi to four years in prison.

As part of the demobilization, repatriation, and re-integration process, the government continued to accept former Rwandan combatants who returned to the country from the DRC, and more than six thousand have been peacefully resettled (see section 2.d.).

At year's end approximately 53 thousand prisoners accused of genocide-related crimes continued to be imprisoned while awaiting trial. The majority of those detained for genocide-related crimes were men who had not confessed and were accused of "category I" crimes (the most severe), which include rape, murder, genocide instigation, or playing a leadership role in the genocide. The law permits the continued detention of genocide suspects long enough to allow them to face trial either in a conventional court or in the gacaca system (see section 1.e.). Lengthy pretrial detention was a serious problem and a consequence of the large number of persons suspected of committing genocide (*genocidaires*) in prisons and detention centers; and many suspects had been in jail since 1994. The government did not have the capacity to process cases within a reasonable time. During the year the lead government agency that coordinates the gacaca system, the National Service of Gacaca Jurisdictions, made a concerted effort to expedite genocide-related cases. At the end of the year, there was a total of 40 thousand cases, including genocide cases, pending in the courts.

Mobile groups, whose mandate was to establish or complete files that indicated the basis for charges for all genocide-related detainees, continued to operate during the year. Approximately 90 percent of detainees in custody during the year had files; however, the vast majority of those files were incomplete.

Amnesty

In August, the government conditionally released 22 thousand prisoners, including the elderly, the sick, minors, and those charged with less severe crimes.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary; however, in practice there were constraints on the judiciary's independence. The judiciary suffered from inefficiency stemming from a lack of resources, and the government had not given gacaca courts jurisdiction to address crimes allegedly committed by RPF soldiers during the genocide. The judiciary operated in most cases without government interference; however, according to an NGO, in a few cases viewed as politically sensitive, including those dealing with genocide ideology and persons accused of killing genocide survivors, indirect public pressure may have influenced the judiciary, although there were no reports of direct pressure on judges. The NGO reported that judges appeared to be more assertive as a result of the judicial reforms of 2004. While the judiciary made significant progress toward increased independence during the year, problems remained. For example while the constitution provides that the Judiciary is "independent and separate from the legislative and executive branches of government" and "enjoys financial and administrative autonomy," the ministers of justice and finance continued to play important roles in defining the judicial budget.

The justice system collapsed during the war and genocide of 1994. With help from the international community, it continued to undergo a slow rebuilding process and had made significant progress over the past decade. The government did not always have the capacity to enforce the law or to ensure that due process protections were observed. However, during the year there were several cases in which judges ruled against senior political figures. In addition the judiciary continued to implement reforms and make efforts to reduce the backlog of genocide-related and nongenocide cases.

An ombudsman was mandated to conduct investigations into judicial corruption; however, by year's end no such investigations had been conducted.

The constitution provides for the adoption of a system of ordinary and specialized courts. Ordinary courts included the Supreme Court, a high court, provincial courts, and district courts. Specialized courts included gacaca courts and military courts.

Trial Procedures

The law provides for public trials with the right to a defense (but not at public expense), a presumption of innocence, and a right to appeal, and these provisions were generally respected in practice; however, presumption of innocence was occasionally not respected, and some appeals cases were subject to lengthy delays. Most trials were public, and in the regular court system, defendants could question witnesses used against them and present witnesses and evidence on their own behalf. By year's end there were approximately 140 lawyers and 250 judges in the country, and the poverty of most defendants made it difficult for many of them to obtain legal representation. An estimated 10 percent of defendants were able to afford a private lawyer. Lawyers Without Borders continued to train gacaca judges but lacked the resources to provide defense counsel to those in need. New court officers continued to be sworn in and assigned to courts across the country, but the government did not have a sufficient number of prosecutors, judges, or courtrooms to hold trials within a reasonable period of time. There also continued to be problems enforcing domestic court orders. For example security forces at times ignored court decisions and refused to release prisoners. In a well-publicized case in Kigali, authorities arrested eight police officials on charges of misappropriating police funds. When one of the accused, Chief Inspector Edward Higiho, escaped, the National Police kept the other seven detained despite a court order by the Kigali city court directing that they be allowed out on bail. In December the National Police recognized the court's authority and released the seven on bail.

During the year there were trials that, according to some local and international observers, did not meet internationally accepted standards. On April 21, the high court sentenced former parliamentarian and MDR party member Jean Leonard Kavutse to two years in prison after he pled guilty to sectarianism; according to Amnesty International (AI), he told the court he had confessed only after having been tortured. Kavutse, who had been in detention for 20 months, had one year of his sentence suspended and was placed on probation for two years. He was arrested in 2003 based in part on the contents of a letter he had written to a former 2003 presidential candidate, using terms considered very offensive during the 1994 genocide to describe the Tutsis. Kavutse was acquitted of the more serious charge of treason.

The RDF continued to dismiss soldiers for indiscipline and criminal offenses. The RDF routinely tried military offenders in military courts, which handed down sentences of fines, imprisonment, or both during the year. The law stipulates that civilians who were accomplices of soldiers accused of crimes be tried in military court. Civilians tried in military court had received stolen goods from soldiers, had acted as accomplices with soldiers to commit theft, or had participated in rape. Military courts tried fewer than 10 civilians during the year.

The judiciary continued efforts to resolve the enormous genocide caseload of more than 53 thousand detainees (see section 1.d.). Gacaca courts served as the government's primary judicial process for adjudicating thousands of genocide cases. The gacaca law provides for reduced sentences, including community service, for cooperation and credit for time served. Lawyers were not permitted to participate officially in gacaca but could testify as private citizens. There were 169,442 gacaca judges (7 per gacaca court), or "persons of integrity" elected by the community and provided with gacaca law training, serving in 12,103 gacaca courts across the country, including 1,545 appellate courts. Some criticized the gacaca system, alleging that it was being abused by those who bore personal grudges unrelated to the genocide. At year's end a domestic newspaper reported an increase in the number of gacaca judges

implicated in the genocide (see section 3).

Defendants in gacaca courts had the right to present witnesses and evidence on their own behalf. There was a right of appeal in gacaca proceedings at sector-level courts in the 118 pilot project gacaca sectors. The registration procedure for observing gacaca trials made it difficult for human rights groups to monitor the trials, which were public.

Given the heavy volume of genocide-related cases, which the government estimated would take 100 years to resolve in the conventional court system, most observers agreed in principle with the need for gacaca courts, but there were concerns that in practice, the gacaca courts were unfair and did not accomplish the twin goals of justice and reconciliation. The gacaca process was generally considered to be more effective at providing justice than at fostering reconciliation, and it was not always perceived as fair. For example some gacaca judges denied defendants the right to present witnesses and ordered the imprisonment of those who questioned the impartiality of gacaca judges (see section 2.a.). In addition because the government had not given the gacaca courts the authority to consider human rights abuses allegedly committed by the RPF during the 1994 genocide, some human rights groups have criticized the gacaca courts for representing a form of incomplete or one-sided justice, and for being biased against those who acted on behalf of the former government. Furthermore, poorly qualified or trained judges and ill-defined guidelines on evidence and hearsay were problems. Throughout the year there were occasional reports that local gacaca officials and citizens used the process to pursue personal matters, including making false accusations in order to acquire land.

Threats against genocide witnesses also hampered the gacaca process; persons accused of genocide-related crimes, including some individuals who had been released by the government from pretrial detention, reportedly made these threats. The government held local communities responsible for protecting witnesses, and relied on the LDF, local leaders, police, and community members to ensure the safety of witnesses. Despite these efforts, however, unidentified individuals killed approximately 15 genocide witnesses during the year (see section 1.a.). Although many fewer genocide witnesses were killed than in the previous year, many citizens still were too frightened to testify.

During the year the government investigated reports from 2004 that organized groups targeted and killed witnesses to the 1994 genocide in certain provinces.

Near the end of the year, a local pro-government newspaper and a local NGO reported that 69 persons accused of genocide-related crimes had committed suicide during the year out of fear of appearing before a gacaca court. In addition during the winter and spring more than 6,500 Rwandans left for Burundi or Uganda, reportedly due, in part, to fears of gacaca and to economic reasons.

In a one-day hearing on September 11, a gacaca court ruled that the case of Father Guy Theunis, a Belgian citizen charged with instigating genocide, should be referred to the conventional judicial system for trial. The hearing was reportedly marked by unsubstantiated accusations, hearsay, and guilt by association. It was not clear whether the government officials who testified against him were participating in an official capacity or as ordinary members of the community. Many of the charges made regarded actions allegedly taken by Theunis that occurred in 1997, which was outside of the gacaca system's constitutionally mandated period of jurisdiction. In November under an accord between Rwanda and Belgium, Theunis was transferred from the high court to the Belgian judiciary, which was handling the case at year's end.

In addition to gacaca courts, genocide-related cases were tried by the ICTR and by the government in conventional courts (see section 4). Between the creation of the ICTR in 1994 and the end of 2005, it rendered 20 judgments on 27 cases. As of the end of the year, the tribunal held a total of 60 detainees, including 28 on trial, 15 awaiting trial, 8 awaiting transfer, and 9 whose appeals were pending. A total of six were serving sentences in Mali. Less than 10 percent of individuals charged with genocide-related crimes have been tried in conventional courts; two categories of genocide suspects (categories II and III) are tried in gacaca courts, while the suspects accused of the most serious genocide crimes (category I) are tried in conventional courts.

A section of the Organic Genocide Law is designed to encourage confessions in exchange for reduced sentences for individuals accused of genocide-related crimes other than category I crimes (see section 1.d.). Following efforts by the government, international donors, and NGOs to advertise widely the confession provisions, as of the end of the year 95,066 individuals had confessed to genocide-related crimes since the law was implemented in 1996. Their testimony may implicate as many as up to a million additional persons in the genocide who have not yet been detained by police; in January the government estimated that gacaca may implicate a total of between 700 thousand and 1 million citizens, one-eighth of the country's total population.

A human rights NGO reported during the year that the government had implemented a new policy of incentives and disincentives to elicit more confessions from detained genocide suspects. Under the policy, if a genocide suspect does not confess to the genocide-related crime of which he is accused, then he could lose some of his privileges, including his right to see his family. Many detained genocide suspects reportedly told the NGO they had confessed just to avoid losing their privileges.

A gacaca law passed in June 2004 stipulates that anyone who is convicted of a Category I or II genocide-related crime is no longer eligible to vote. The gacaca law does not specifically prohibit convicted genocidaires from entering certain professions; however, the codes of ethics for certain professions, including that of teachers, doctors, lawyers,

and civil servants, do not allow convicted criminals to enter those professions.

Political Prisoners

During the year there were 10 political prisoners, including former President Pasteur Bizimungu and a local *Umuko* journalist Alexander Rugambage. On October 25, the Supreme Court began to hear an appeal by Bizimungu, former transport minister Charles Ntakirutinka, and six other persons believed to be involved with Bizimungu's banned Party for Democratic Renewal. A court had convicted all eight individuals in June 2004 on charges of "threatening national security by forming a criminal association"; it sentenced Bizimungu to 15 years in prison, Ntakirutinka to 10 years in prison, and the remaining six to 5 years each. The defendants, including foreign embassy employee Valens Munyaneza, were detained for two years prior to their 2004 trial. Local and international observers considered the verdict of the lower court politically motivated due to insufficient material evidence to substantiate the charges and dubious witnesses.

The government permitted the ICRC access to Bizimungu.

Property Restitution

Few people had success pursuing their property restitution cases through the court system.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence

The constitution prohibits such practices, and authorities generally respected these prohibitions. Unlike in the previous year, there were no reports during the year that security forces monitored homes or telephone calls.

Between 1997 and the end of 2001, more than 600 thousand persons were relocated to government-designated resettlement sites in compliance with a "villagization" policy. While villagization remained government policy, the government did not compel these persons to remain in the villages; however, some individuals continued to reside on the settlement sites because of restrictions on where houses could be built.

During the year a human rights NGO reported that residents in one province were refused land rights unless they provided a gacaca certificate attesting that they were not implicated in the genocide. There was no legal basis for this requirement.

Government policy requires citizens to participate in night watch patrols, and during the year the government sometimes arrested, detained, and allegedly beat individuals who refused (see section 2.c.).

Unlike in the previous year, there were no reports that armed men suspected of being RDF soldiers entered the DRC and attacked and burned villages.

During the year there were reports, including one by a UN panel of experts, that the government and uniformed men suspected of being from a DRC-based armed group were recruiting children in Rwandan refugee camps for use as child soldiers (see section 2.d.). However, the government denied that it had engaged in any such recruitment activities; it also said such practice was contrary to government policy, and that it had investigated these incidents by year's end.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press; however, the government restricted these rights in practice, and, in some cases the government harassed journalists who expressed views contrary to official views. Many journalists practiced self-censorship due to fear of government reprisals. According to international press freedom group Reporters without Borders (RSF), press freedom was "at risk" in the country.

The law prohibits labor unions from publicly expressing their political opinions (see section 6.a.).

Government authorities sometimes detained individuals after they expressed viewpoints unacceptable to the government. The law prohibits "any propaganda of ethnic, regional, racial, or divisive character or based on any other form of divisionism," and public incitement to "divisionism" is punishable by up to five years in prison, heavy fines, or both. During the year residents of a rural district complained that the government was using divisionism as a way to stifle criticism of government policies on taxation, insurance, and restrictions on animal grazing and tree cutting. According to the residents, many individuals in the area were accused of divisionism after criticizing the mayor or his policies. They said a local official accused of divisionism-related charges had been jailed because of a pre-1994 conflict with the mayor. One person said divisionism charges were so common in the region because the local population had refused to vote for the RPF in the 2003 legislative elections.

By year's end there was no additional information on Augustin Habimana, who was arrested in April 2004 and detained during the remainder of 2004 after he complained in a public meeting about the government's policy of

forced night patrols.

During the year the government continued to exercise tight controls over the media, and newspapers were subject to government restrictions. There were both privately and government-owned newspapers, published weekly in English, French, or Kinyarwanda; however, there were no daily newspapers. There were four independent newspapers, *Newsline*, *Kinyamateka* (Catholic Church-owned bimonthly), *Umuseso* and *Umuco*, the latter of which started publishing in May. Both *Umuseso* and *Umuco* regularly maintained positions contrary to or critical of the government. Unlike in the previous year, the government did not confiscate copies of *Umuseso*; however, on one occasion in September, it confiscated copies of *Umuco* that criticized the government. Unlike in the previous year, there were no reports of government agents attempting to covertly infiltrate *Umuseso*'s staff to influence the content of the newspaper.

The government largely controlled the broadcast media. The law authorizes private radio and TV broadcasting, subject to the approval of the government. There were eight independent FM radio stations broadcasting during the year, but they primarily focused on music, not news. According to Committee to Protect Journalists (CPJ), an international press freedom group, a climate of government intimidation affected the news programming of privately owned commercial, religious, and community radio stations. Radio Rwanda journalists were civil servants of the National Office of Information. Foreign media groups, including Voice of America (VOA), BBC, and Radio France International, broadcast in Kigali throughout the year and were among the few providers of independent news in the country. During the year the government denounced VOA for what it called VOA's unbalanced reporting of Rwandan politics and its "antigovernment propaganda." VOA had broadcast news of the formation of a new opposition political party in an undisclosed location. The government owned and operated the country's sole television station.

During the year the government continued to harass and threaten the independent media. On September 7, Gitarama province police arrested and detained Jean Leonard Rugambage, an *Umuco* journalist, for alleged involvement in the 1994 genocide, a charge sometimes used to silence critics of the RPF. CPJ and others said they believed he was being prosecuted in retaliation for his journalistic work. The arrest came just two weeks after his August 25 investigative article was published in *Umuco* alleging that gacaca court officials in the Gitarama region engaged in mismanagement and witness tampering. On November 23, the gacaca court in the Gitarama region found Rugambage in contempt and sentenced him to a year in prison after he accused the presiding judge of bias--for refusing to hear defense witnesses--and demanded that the judge step down, according to CPJ. Rugambage claimed that the presiding gacaca judge engineered his arrest on the same accusation in 1996, but a judicial court later acquitted him. The court adjourned Rugambage's trial for alleged participation in the 1994 murder of a local banker, saying that he must first serve his sentence for contempt. At year's end Rugambage remained in prison.

In September police officers detained and questioned for seven hours Bonaventure Bizumuremyi, chief editor of *Umuco*, an independent Kinyarwanda-language bimonthly newspaper, and confiscated all available copies of the latest *Umuco* edition, which authorities claimed contained "harmful stories based on rumors and sensationalism" and "undermined state security." The confiscated edition called for the release of Rugambage, Father Theunis, and former President Bizimungu. According to RSF, Bizumuremyi said he received numerous telephone calls threatening him for criticizing the government. In August police had twice detained and questioned Bizumuremyi following the publication of an article on police corruption and another calling for the release of former President Bizimungu.

By year's end no action had been taken against security force members responsible for the February 2004 harassment of and death threats against five journalists, including two *Umuseso* editors.

Regarding the December 2004 stabbing of two *Umuseso* journalists, who claimed that they were assaulted because they were journalists, the government and the High Council of the Press, a local media monitoring and advisory body to the government, countered that this incident was the result of a drunken brawl outside a bar.

According to international NGO Freedom House, the government used financial pressure to influence many publications that were dependent upon the government's purchasing of advertising space. There were at least two printing presses available, one of them government-controlled, and the other reserved for religious media. Print media often published abroad to avoid local publishing costs, which were more expensive than publishing abroad, and, according to Freedom House, to avoid direct government control of their content.

The government used criminalized libel laws to suppress criticism and limit press freedom. For example, on March 22, a Kigali appeals court upheld a lower court ruling but significantly increased the penalty by sentencing *Umuseso* editor Charles Kabonero to a one-year suspended prison sentence and ordering him to pay damages and court fees of approximately \$1,900 (one million Rwandan francs) for "attacking the dignity of a high authority." Kabonero was also accused of, but not found guilty of, divisionism. Prior to the appeal, Deputy Parliamentary Speaker Denis Polisi filed criminal charges following the publication of an August 2004 *Umuseso* issue that accused Polisi of nepotism. The newspaper's editorial board refused an August 2004 recommendation by the High Press Council to publish a correction and reveal sources.

The government cited national security as grounds to suppress views that were unrelated to security issues but politically embarrassing or objectionable.

Several journalists remained in self-imposed exile at year's end.

There were no government restrictions on the Internet.

The government did not restrict academic freedom. Unlike in the previous year, there were no reports that the head of the national university monitored the university, its staff, or students for evidence of genocide ideology.

During the year authorities suspended and detained students on two occasions on accusations of engaging in genocide ideology. In July authorities suspended eight high school students in Bicumbi district for two weeks. In September police arrested and detained for several weeks two high school students in Gitarama police station; they were released on October 18. Most of the more than 60 teachers and students whose names the Ministry of Education, Science, and Technology submitted in 2004 to authorities for prosecution on charges involving genocide ideology were released by the end of the year, and all of the students had resumed school. They were accused of engaging in genocide ideology, among other offenses.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law provides for freedom of assembly, and the government generally respected this right in practice; however, there were some exceptions. Authorities legally may require advance notice for outdoor rallies, demonstrations, and meetings. Unlike in the previous year, there were no reports that authorities prohibited nighttime meetings, although some groups avoided nighttime meetings to avoid possible disruption.

During the year Landnet, an umbrella group of NGOs, said the government prevented it from meeting on one occasion. Landnet scheduled a meeting for September; however, the government said it objected to the meeting because it wanted a higher ranking official to attend. Landnet Director Annie Kairaba-Kyambadde interpreted the minister's comments as a threat to dissolve Landnet.

The government's effective dismantling of independent human rights organizations in 2004 discouraged some civil society organizations from meeting during the year (see section 4).

The government continued to limit the type of locations where religious groups could assemble, and it instituted for part of the year a national ban on the building of structures for the meetings and worship services of Jehovah's Witnesses (see section 2.c.).

Freedom of Association

The constitution provides for freedom of association; however, the government limited this right in practice. Private organizations were required to register, and in practice the government generally granted licenses without undue delay; however, there were some exceptions. Organizations were required to obtain letters of support from every local official in areas in which the organizations intended to work. This requirement made registration extremely difficult for some organizations.

In October the government registered the Community of Indigenous Peoples of Rwanda (CAURWA), a Batwa advocacy organization, after having refused to do so in the previous year. However, consistent with its antidivisionism policy of not acknowledging individual ethnic groups, the government did not recognize the Batwa as an "indigenous group" (see section 5).

The constitution provides for a multiparty system of government and for the free operation of political organizations; however, the government often did not respect these provisions. During the year the MDR, the main opposition party, remained inactive as a result of the cabinet's May 2003 recommendation to ban it. Although the Supreme Court never acted upon the recommendation, the MDR was dissolved shortly thereafter when all existing political parties were required to re-register under a new political party law.

All political organizations were obliged to join the Forum for Political Organizations. Unlike in the previous year, there were no reports that authorities harassed members of the Party for Peace and Concord (PPC), or that PPC members were forced out of their jobs.

The government continued to harass former members of the MDR and other opposition figures.

c. Freedom of Religion

The constitution provides for freedom of religion; however, while the government generally respected this right in practice, it failed to prevent local authorities from violating or restricting religious freedoms for Jehovah's Witnesses and Pentecostals.

The law requires that all nonprofit organizations, including churches and religious organizations, register with the

Ministry of Local Government and with the Ministry of Justice to acquire the status of "legal entity." There were no problems with the registration of Christian denominations such as Jehovah's Witnesses or Seventh-day Adventists; however, some individual churches with foreign pastors reported registration difficulties.

During the year a religious group cited by the parliament in its 2004 report on genocide ideology reported that it was afraid to talk about any topic that could be construed as "sensitive." Because the 2004 report had labeled the group as an organization that fomented ethnic divisionism and called for a return to the tenets of genocide, the group said it found it difficult to approach local authorities about its economic concerns and had raised no concerns with local authorities during the year. The group was not politically active, and its main activity was small-scale fundraising.

There were reports that police beat and detained or arrested members of Jehovah's Witnesses because they refused--due to religious beliefs--to participate in nighttime security patrols. Between January 1 and June 30, police imprisoned or detained 93 Jehovah's Witnesses accused of civil disobedience; their detentions, during which police beat 12 individuals, usually lasted between 2 days and 3 months. During the year a few judges ruled that the charges against Jehovah's Witnesses were inappropriate; they held that there was no law requiring mandatory nighttime patrols and that the prosecutor's office had wrongly applied a law requiring some form of "community work." However, by year's end 10 Jehovah's Witnesses had been tried and sentenced, and one remained in prison (see section 1.c.).

In a March meeting between government officials and representatives of Jehovah's Witnesses, the government said that some Jehovah's Witnesses did not respect the country's laws and rules and had incited people to civil disobedience. Following the meeting, a collaborative mechanism between the government and Jehovah's Witnesses authorities was set up to address any further problems and misunderstandings.

On March 30, Pentecostal Pastor Joseph Majyambere, who was arrested in January 2004 for "preaching rebellion," was released.

Although the civil marriage ceremony does not require that a participant must put his or her hand on the national flag, this practice was enforced throughout the country. The Jehovah's Witnesses, who object to this patriotic ceremony on religious grounds, claimed that members of their faith had been beaten and imprisoned due to their refusal to place their hands on the flag; however, during the year the community identified officials who did not insist on this patriotic ceremony and community members went to them to be married.

During the year, following the citing of religious figures and groups in the 2004 parliamentary report on genocide ideology, there were at least a few reports that religious groups changed their location or tailored their activities to avoid confrontation with authorities.

Unlike in the previous year, according to church officials, there were no reports of children of Jehovah's Witnesses being expelled from school for refusing to salute the national flag or sing the national anthem.

According to church officials, a family of Jehovah's Witnesses was arrested and jailed in September for refusing to sing the national anthem during a gacaca proceeding. The mother and child were released after two days, the father after four days.

Unlike in the previous year, there were no reports that authorities closed a Jehovah's Witnesses Kingdom Hall and dispersed worshippers; however, on February 18, the minister of local government and social affairs issued a written directive to all provincial governors ordering them to halt the construction of Jehovah's Witnesses Kingdom Halls. At year's end, as a result of discussions between Jehovah's Witnesses and the government, the government told Jehovah's Witnesses that they could resume the construction of Kingdom Halls; however, during the year Kigali city administrative authorities did not grant any construction licenses to Jehovah's Witnesses.

The February directive stated that the church was prohibiting its members from participating in gacaca, compulsory night patrols, and compulsory community service days. According to national leaders of the Jehovah's Witnesses community, the government was using gacaca as another tool to control religious organizations, and church leaders expressed concern that the directive may have been linked to the 2004 parliamentary report on genocide ideology, which listed many churches and church leaders as promoters of genocide ideology (see section 4).

During the year security forces arrested a Belgian priest on genocide-related charges; he was tried before a gacaca court in a hearing marked by problems (see section 1.e.).

Societal Abuses and Discrimination

Some religious leaders were perpetrators of violence and discrimination during the year, and several clergy members of various faiths faced charges of genocide in the country's courts and in the ICTR (see section 4).

There was a very small Jewish community, and there were no reports of anti-Semitic acts.

For a more detailed discussion, see the 2005 [International Religious Freedom Report](#).

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The constitution provides for these rights, and while the government generally respected them in practice, the government sometimes did not provide refugee or asylum-seeker protections. Citizens must obtain a national identity card when making a permanent move to a new district; these cards were issued routinely. Unlike in the previous year, government officials did not force citizens to return to the districts listed on their identity cards.

Unlike the previous year, there were no reports that government officials delayed passport issuances for, or threatened to confiscate the passports of, political dissidents.

The law prohibits forced exile, and the government did not use forced exile; however, some individuals secretly left the country to live in self-imposed exile because they believed their lives were in danger.

During the first six months of the year, 6,021 refugees returned to the country; however, as of the end of the year, the Office of the UN High Commissioner for Refugees (UNHCR) estimated that a total of 56,404 Rwandans remained in exile in 20 African countries, including 7,392 in Burundi.

The government continued to accept ex-combatants who returned to the country from the DRC as part of the ongoing peace process between Rwanda and the DRC. A total of 24,255 former combatants had been demobilized and peacefully resettled in Rwanda since the beginning of the disarmament, demobilization, and reintegration program, including more than 6 thousand former combatants between January and December. With international support, the Demobilization and Reintegration Commission, the lead government agency for the reinsertion of returned ex-combatants, placed recently returned ex-combatants in a two-month re-education program at demobilization and reintegration centers in Ruhengeri Province. There was also a center solely for ex-child combatants (see section 5). After the two-month re-education period, each adult ex-combatant was given approximately \$90 (50 thousand Rwandan francs) and allowed to return to his village. Returnees who were accused genocidaires and over 25 years of age (or 14 years old at the time of the genocide) were subject to gacaca trials, as were all citizens.

Protection of Refugees

The law provides for the granting of asylum and refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 Protocol, and the government has established a system for providing protection to refugees. The constitution recognizes the right to asylum "under conditions determined by law," and there was a law in place to recognize refugees. However, the government was slow to implement refugee registration procedures, and most persons seeking asylum or refugee status had to seek private assistance (finding housing, food, and other supplies) while awaiting formal recognition by the government.

In practice the government provided some protection against *refoulement*, the return of persons to a country where they fear persecution; however, in May the government applied pressure on the Burundian government to reach an agreement that, according to UN officials, resulted in the forceful repatriation of at least 6,500 Rwandan asylum seekers, whom the Burundian government designated "illegal immigrants." They had left for Burundi between February and May, reportedly due to economic conditions and concerns about gacaca trials; however, Rwanda's minister for local government said they were fugitives fleeing justice. Both governments denied the UNHCR access to the asylum seekers during the repatriation in June. Rwandan government officials said the Rwandans returned voluntarily, that their rights were respected, and that the government was going to help them resettle. In December the local government allowed UNHCR access to the recent returnees. By the end of December, a total of more than six thousand Rwandan asylum seekers were in Burundi; and by year's end, the Burundian government had begun the individual screening process with the assistance of UNHCR to determine refugee status.

In June as part of the same agreement, Rwandan government officials declared more than 6,600 Burundian asylum seekers in Rwanda "illegal immigrants" and said they would use "all means" to ensure they were repatriated without delay; according to the UNHCR, the Burundians had fled to Rwanda largely due to hunger and rumors of attacks in northern Burundi. After the Burundian presidential elections in August, the majority of the Burundian asylum seekers expressed a wish to return to Burundi. The UNHCR began weekly convoys to facilitate all Burundians willing to return; by December there were approximately 2,700 remaining in Rwanda.

The UNHCR continued to assist refugees and provided temporary protection to approximately 43,500 persons, the vast majority of whom were refugees from the DRC. The government generally cooperated with the UNHCR; however, there were some exceptions. For example the local governor of Butare Province denied UNHCR representatives access to recently returned Rwandans during several months of the year. However, by the end of the year, UNHCR had free access to returnees, and there were no reports that returnees were mistreated.

Unlike in the previous year, there were no reports that the government pressured Congolese refugees to return to the DRC.

Based on investigations conducted and information collected in late 2004 and part of the year, a UN panel of experts reported that the RDF was recruiting children in Rwandan refugee camps for use as soldiers.

In addition in May an international organization reported that uniformed men from Congo-based militias--suspected of belonging to the RCD-G--were recruiting children in two Rwandan refugee camps (Kiziba Camp and Gihembe Camp) for use as soldiers. According to the organization's report, on May 10, 45 children between the ages of 10 and 18 climbed onto a truck parked outside the entrance to Kiziba Camp in Rwanda's Kibuye Province, and their whereabouts were still not known by year's end. Parents in the camp told the organization's representative that the militia, which they said was the RCD-G, intended to attract at least a total of 80 new recruits. While there were some allegations of RDF involvement, senior Rwandan government officials stated that recruitment of child soldiers was not government policy and investigated the incidents. There were no further reports of such activities by year's end.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution provides for the right of citizens to change their government peacefully; however, despite peaceful presidential and legislative elections during 2003, this right was effectively restricted.

Elections and Political Participation

In August 2003 President Paul Kagame won a landslide victory against two independent presidential candidates, receiving 95 percent of the vote. International election observers, representing both foreign governments and NGOs, noted that the country's first post-genocide elections, though peaceful, were marred by numerous irregularities, including ballot stuffing, "guarded" polling booths, and irregular ballot counting in at least 2 of the 12 provinces. There also were numerous credible reports that during the 2003 presidential and legislative campaigns, opposition candidates and their supporters faced widespread harassment and intimidation, including detention.

In the 2003 legislative elections, President Kagame's political party, the RPF, won the majority of the seats in the Chamber of Deputies and Senate. International election observers noted that the elections, though peaceful, were marred by "serious" irregularities, "fraud," and widespread intimidation of the opposition.

The parliament was dominated by the RPF; six other political parties were represented in the Chamber of Deputies and the Senate; however, none were considered to be fully independent of President Kagame and the RPF. The constitution provides for a multiparty system but provides few protections for parties and their candidates. The government's continuing campaign against divisionism and its occasional use of arbitrary arrest against those critical of the government discouraged potential election candidates or others from engaging in open debate or criticism of the government or its policies (see sections 1.d., 1.e., 2.a., 2.b., 2.c., and 4). For example on one occasion during the year, according to AI, officials "interrogated and intimidated" two former presidential candidates after radio broadcasts in which they voiced doubts about gacaca. Political observers and members of political parties other than the ruling RPF agreed that the RPF dominated the political arena, although, as provided by the constitution, members of other political parties held key positions in government and parliament, including the presidency of the Senate (held by a Social Democrat). Other political parties represented in parliament held regular meetings and were free to recruit new members.

In accordance with the constitution, all political organizations were required to join the Forum for Political Organizations. In addition the law regulates the formation, structure, and functioning of political organizations; it also monitors their use of the media, management of financial assets, and relations between political organizations and other institutions. The law outlines a code of conduct for political organizations. For example the law states that political organizations have the "moral obligation to condemn any biased ideas and behavior aimed at turning the state into a state governed by a cluster of politicians." The law also outlines the government's ability to cancel an organization's mandate.

On December 21, the *The New Times* reported that during the year there was an "alarming" increase in the number of gacaca judges and senior political and military officials implicated in the 1994 genocide. Five members of parliament (MP), including MP Brigitte Tuyishime, who was accused of speaking in a derogatory manner about genocide survivors, had resigned from their posts by year's end.

The constitution requires that at least 30 percent of the seats in parliament be reserved for women, who won approximately 40 percent of the seats during September 2003 legislative elections. At year's end there were 8 women in the 26-seat Senate and 39 women in the 80-seat Chamber of Deputies. In addition President Kagame appointed nine women to ministerial positions, representing 32 percent of the positions in his cabinet.

There was one Batwa in the 26-seat Senate but none in the Chamber of Deputies.

Government Corruption and Transparency

Corruption of government officials was a problem but not severe. Corrupt officials were routinely prosecuted. According to Transparency International's 2005 Corruption Perceptions Index, citizens perceived corruption in the country to be a "serious" but not a "severe" problem.

Authorities at times harassed journalists who reported on corruption in various government sectors (see section 2.a.).

The Office of the Ombudsman has an active good governance program and several anticorruption units that work at the local level. During the year the office pursued more than three thousand corruption cases, the majority of which involved land. There were reports that some corruption charges and prosecutions were directed at political opponents of the RPF. Several high level officials were convicted of corruption, including former Minister of Agriculture Patrick Habamenshi, who was found guilty of embezzlement in September. The inspector general of government worked to prevent corruption, and during the year the government strengthened or put in place other institutions and mechanisms intended to ensure transparency and accountability, such as the Auditor General's Office and the Rwanda Revenue Authority.

The law does not provide for access to government information, and in practice it remained difficult for citizens and foreigners, including journalists, to obtain access to government information.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A variety of international human rights groups operated in the country, investigating and publishing their findings. For the first part of the year, no domestic independent human rights NGOs were active as a result of the government's ongoing campaign against divisionism. However, local NGO LIPRODHOR published in December a 126-page report on human rights that was openly critical of the government, despite the government's tendency to be suspicious of and hostile toward local and international human rights observers. During the year some NGOs expressed fear of the government and self-censored their activities and comments, even during private meetings.

The government discouraged criticism of its human rights practices. For example during the year the government said calls by human rights groups or opposition figures for investigations of alleged war crimes committed by the RPF during the genocide were divisionist. The government claimed that such calls equated the genocide, which killed up to 1 million individuals and was perpetrated by the former regime, with abuses committed by RPF troops who stopped the genocide.

According to AI, during the year the Senate commissioned a study to identify divisionism and "genocide ideology" (support for genocide or its principle tenets) among international NGOs and scholars. By year's end the report had not been published.

In June 2004 parliament released a report by the Commission on Genocide Ideology about the allegedly widespread prevalence in the country of divisionism and genocide ideology. The report accused 13 domestic and international civil society groups, including LIPRODHOR, the country's largest human rights NGO; religious institutions; journalists; allegedly corrupt leaders of local government; secondary schools; and the national university of engaging in divisionist activities and genocide ideology. The government accepted the commission's recommendation to dissolve five domestic civil society groups and used the report in conjunction with national security laws to justify arbitrary arrests and the effective dismantling of the country's independent human rights organizations. The government particularly targeted LIPRODHOR, the only nationwide human rights organization, by freezing its assets, threatening its dissolution, and forcing its alignment with government policy. In addition several key LIPRODHOR staff sought asylum abroad. Under new leadership, LIPRODHOR conducted an internal inquiry and, while acknowledging in a September 2004 communique that certain LIPRODHOR members had engaged in "bad behavior," reaffirmed its overall commitment to the protection of human rights. During the year one of more than 10 LIPRODHOR activists and leaders who fled the country in 2004 and remained in exile during the year called the communiqué "shameful" because it "apologized for things the organization had never done," and the activist questioned whether it represented a new era of submission to the government.

According to a 136-page report, *Front Line Rwanda: Disappearances, Arrests, Threats, Intimidation and Co-optation of Human Rights Defenders 2001 – 2004*, which was published in March by the International Foundation for the Protection of Human Rights Defenders (Front Line), the "real reason" the government targeted LIPRODHOR had nothing to do with divisionism or genocide ideology; rather, LIPRODHOR had displayed too much independence and too much success in mobilizing a grassroots network of local human rights monitors and had criticized government actions. As one LIPRODHOR activist in exile reportedly told Front Line, "Even the international community trusted LIPRODHOR. That's why we had so many donors. Most of those donors were also government donors, and so sometimes they could lobby or put pressure on the government thanks to the information they received from LIPRODHOR. So that's why the regime was not pleased by the system LIPRODHOR was working in." A government official, who reportedly spoke anonymously to Front Line, said that what made LIPRODHOR such an "inviting target" was its independence and the fact that the government saw it as "the only human rights organization critical of the government."

Other civil society organizations implicated in the 2004 parliamentary report were also forced either to stop their activities or rework their programs to align more closely with government policy. According to Front Line, "With few exceptions, Rwandan human rights NGOs today rarely investigate and document violations by the state, preferring instead to focus on abuses by nonstate actors (such as domestic violence). Out of self-preservation, they now shy away from vigorous human rights advocacy and concentrate on nonconfrontational activities such as humanitarian assistance and human rights education and training."

Although not officially dissolved, LIPRODOHR was essentially not operating by February. In addition to facing pressure from within the country, many of LIPRODOHR's key members who had fled the country were advising international donors not to support the group, claiming that it had been infiltrated by the government, a claim that the Front Line report supported with several detailed accounts. Only a small core staff was still receiving salaries. At least during the first part of the year, the researchers remaining in the field said they were finding it difficult to work because the general public distrusted them following the issuance of the 2004 parliamentary report on genocide ideology. However, during the year a number of the individuals and organizations named in the 2004 parliamentary report were able to use the judicial system to clear themselves and to reverse initial punitive actions.

During the year LIPRODOHR gradually reconstituted itself and denied the parliamentary report's accusations regarding its alleged divisionist character; it also stressed that it had been actively working on behalf of genocide victims. By July LIPRODOHR's web site was functioning again and it had published some reports online that were critical of the government and the gacaca system. In December LIPRODOHR published a 126-page report covering the country's human rights situation in 2003 and 2004. The report criticized government actions in a number of political, judicial, and economic areas. By year's end it was not clear whether LIPRODOHR was handling as many human rights complaints as it had before the government's publication of the 2004 genocide ideology report; however, international human rights observers noted that LIPRODOHR had succeeded in reasserting much of its independence, despite government pressure.

In response to the 2004 parliamentary report on genocide ideology, a group of pro-government domestic NGOs created an NGO "platform," or collective, to manage the activities of NGOs. Membership was mandatory for all umbrella NGO organizations, and the elections for officers were irregular. During the year the group continued to maintain a role in managing and directing NGOs during the year through the use of umbrella NGOs, which theoretically aggregated NGOs working in particular thematic sectors; however, many observers believed that the government controlled these umbrella NGOs.

The government continued to criticize reports by international observers and international human rights NGOs and was hostile towards those whose reporting was perceived by the government to be biased and inaccurate. During the year Landnet, an umbrella group of NGOs, said that the government prevented one of its meetings (see section 2.b.).

While investigating the disappearances of individuals, an international NGO reported that a government official intimidated and verbally threatened one of its staff members in a government office. There was no discussion of the cases the staff had raised. Instead, the official ordered the staff member to stop asking questions about the disappearances.

During the year and in 2004 AI said the government was "inappropriately manipulating the concept of genocide" to silence not only organizations and individuals critical of the government but also organizations that had a close relationship with the country's people and whose loyalty the government questioned. The reports said the government's treatment of LIPRODOHR had "effectively destroyed one of the remaining human rights pillars" of the country's civil society and "closes the door on human rights monitoring" in the country. In response to the government's judicial investigations of LIPRODOHR, AI said they "nullified any promise of reconciliation that gacaca contained" and further eroded public confidence in the fairness of the judiciary. But by the end of the year, LIPRODOHR had become operational and critical of the government.

The government's lead agency for human rights was the National Commission for Human Rights (NCHR), but this organization acted more as a public relations organ of the government. An NCHR commissioner provided evidence and background information to the prosecution at the gacaca hearing of Father Theunis, which local and international observers criticized for lack of fairness (see section 1.e.).

Based on investigations conducted and information collected in late 2004 and part of the year, a UN panel of experts report released on January 25 examined violations of a UN-imposed arms embargo in the eastern DRC. The UN accused the Rwandan government of continuing to routinely and illegally funnel weapons and military support to proxy forces in the DRC that committed human rights violations. The panel also accused the Rwandan government of continuing to maintain a "covert residual presence" in the DRC, despite officially withdrawing in 2002. In addition it said the government was recruiting children of the DRC in Rwandan refugee camps for use as soldiers (see section 2.d.). A July AI report also charged that the government continued to export arms to armed groups in the DRC. The government denied all of the panel's and AI's charges.

The ICTR continued to prosecute genocide suspects during the year. Since 1994 the ICTR has delivered 20 verdicts in 27 cases. As of December there were a total of 60 detainees in the court's seat in Tanzania: 28 on trial, 15 awaiting trial, 8 awaiting transfer, and 9 pending appeal. Unlike in the previous year, there were no reports that the government prevented witnesses from attending and giving testimony, or that it failed to cooperate on ICTR investigations of alleged RPF war crimes. In May 2004 the government publicly criticized efforts by the ICTR to investigate alleged RPF war crimes and said civilian casualties were sometimes an unavoidable consequence of military operations.

After a major increase in 2004 in the number of killings of genocide survivors and of witnesses in gacaca courts of those accused of genocide crimes, parliament investigated the cause of these incidents through an ad hoc

commission. There was no information on whether the government continued to investigate the killings of genocide survivors and witnesses during the year.

During the year a Spanish court agreed to hear a suit alleging that the RPF had summarily executed nine of its nationals, including six Catholic missionaries, during the genocide. No additional information was available at year's end.

During the year a French court began to investigate allegations that French soldiers did not act to end genocide killings.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution provides that all citizens are equal before the law, without discrimination on the basis of ethnic origin, tribe, clan, color, sex, region, social origin, religion or faith opinion, economic status, culture, language, social status, or physical or mental disability. The government generally enforced these provisions; however, problems remained.

Women

The law does not specifically prohibit domestic violence, and domestic violence against women, including wife beating, was common. Cases normally were handled within the context of the extended family.

The law criminalizes rape, and the government took steps to enforce the law more effectively. The government handled rape cases as priority within its courts and tribunals. From April to July, the judiciary processed a total of 555 rape cases. In recent years, those convicted of rape generally received sentences of between 20 and 30 years' imprisonment. The government recognized rape as a problem, and during the year it took steps to address it, including the classification of rape and other crimes of sexual violence committed during the genocide as a category I genocide crime. It also improved protection at the local level for rape victims testifying at gacaca courts. During the year police investigated more than 2,100 cases of rape.

Prostitution was not legal, and it was a problem.

Prostitution and trafficking in women for sexual exploitation were problems (see section 5, Trafficking).

Women continued to face societal discrimination, but the government has multiple programs to combat these traditional practices. Women traditionally performed most of the subsistence farming. Since the 1994 genocide, which left numerous women as heads of households, women assumed a larger role in the formal sector, and many operated their own businesses. Nevertheless, women continued to have limited opportunities for education, employment, and promotion. Government efforts to expand opportunities for women included a clause in the constitution providing that at least 30 percent of the seats in parliament be reserved for women (see section 3). Other efforts included scholarships for girls in primary and secondary school, loans to rural women, and the appointment of a minister in the prime minister's office for family and gender promotion to train government officials and NGOs in methods to increase the role of women in the workforce. The Family Code generally improved the legal position of women in matters relating to marriage, divorce, and child custody. The law allows women to inherit property from their fathers and husbands, and it allows couples to choose the legal property arrangements they wish to adopt; however, in practice it was much more difficult for women than for men to successfully pursue property claims.

The minister of gender and family promotion in the office of the prime minister was the lead government official handling problems of particular concern to women. A number of women's groups were active in promoting women's concerns, particularly those faced by widows, orphaned girls, and households headed by children.

Children

The government was committed to children's rights and welfare, and it took efforts to improve education and health care to children. Children headed at least 65 thousand households. The government worked closely with international NGOs to secure assistance for children who were heads of households, and sensitized local officials to the needs of children in such situations.

Education is compulsory through primary school or until age 13. While primary school fees were officially waived during the year, most parents still had to pay the fees to support basic school operations. However, children were not dismissed from school for their parents' failure to pay such fees. School fees routinely were waived for orphans. Public schools lacked essential and basic supplies and could not adequately accommodate all children of primary school age. Private primary schools often were too distant or too expensive to serve as an alternative for many children. Examination decided entry to secondary school. According to the Ministry of Education, 93 percent of primary school-age children were enrolled in school. According to the UN Children's Fund (UNICEF), the net primary school enrolment/attendance ratio was 75 percent. Of the children who entered the first grade, 47 percent reached the fifth grade, and the secondary school attendance ratio was 5 percent.

According to UNICEF, 20 percent of women between the ages of 20 and 24 had married or entered into a union before they were 18 years old. The legal age for marriage for both males and females is 21.

There were some cases of trafficking and child prostitution. (see section 5, Trafficking).

Due to the genocide and deaths from HIV/AIDS, there were numerous households headed by children, some of whom resorted to prostitution to survive.

In January a UN panel of experts reported that the government was recruiting children of the DRC living in refugee camps in Rwanda and training them to be soldiers. Residents of a refugee camp in Kiziba, Kibuye Province, said that vehicles drove groups of students across the border into the DRC. The government denied all the panel's charges (see section 2.d.).

During the year there was also a report indicating that a DRC-based armed group was recruiting children from Rwandan refugee camps for use as child soldiers (see section 2.d.). During the year the government continued to support a demobilization and reintegration program, and a total of approximately 600 former child soldiers, all of whom had returned from serving as soldiers in the DRC, received care and reintegration preparation from a demobilization center for children in Ruhengeri Province.

Unlike in the previous year, there were no reports that children were recruited to work for the LDF.

There were cases of child labor (see section 6.d.).

There were approximately six thousand street children throughout the country. Local authorities rounded up street children and placed them in foster homes or government-run facilities. The Gitagata Center housed approximately 400 children, the majority of whom were rounded up by authorities in 2003. The government supported a "childcare institution" in each of the 12 provinces that served as safe houses for street children, providing shelter and basic needs.

Trafficking in Persons

While there was no specific antitrafficking law, laws against slavery, prostitution by coercion, kidnapping, rape, and defilement were available to prosecute traffickers. No traffickers were prosecuted; however, during the year the government actively investigated cases of sex crimes. The government made significant efforts to fight trafficking despite resource constraints. The government provided training on sex crimes and crimes against children to police as part of the police training curriculum. During the year the national police offered specialized training in recognizing trafficking, particularly trafficking involving children, to 185 police cadets. In 2004 the government opened a forensic laboratory to improve the ability of police to build cases against traffickers. The government monitored immigration and emigration patterns, as well as border areas that were accessible by road.

There were reports that persons were trafficked from and within the country. The country was a source country for small numbers of women and children trafficked for the purposes of sexual exploitation, domestic labor, and soldiering. Unlike in the previous year, there were no reports of women being trafficked internally or to Europe for prostitution, or child victims being trafficked to Burundi and the DRC. The country was a source country for children internally trafficked for the purpose of sexual exploitation. Small numbers of impoverished children, typically between the ages of 14 and 18, were exploited by loosely organized prostitution networks.

Some children of Rwandan background were trafficked over the past decade for forced labor and child soldiering in the DRC. However, according to the UN, more than 200 child soldiers were returned to the country during the year. Although the UN reported in late January that the RDF was recruiting child soldiers, the RDF said it did not recruit child soldiers and condemned this practice (see section 5, Children).

Due to the genocide and deaths from HIV/AIDS, there were numerous children who headed households, and some of these children resorted to prostitution or may have been trafficked into domestic servitude. UNICEF estimated in 2004 that there were 2,140 child prostitutes in the major cities and several thousand street children throughout the country.

The government made efforts to protect the rights of women and children. The government identified the worst forms of child labor, and in collaboration with UNICEF, identified three NGOs to help children working in these sectors (see section 5, Children). The government also sponsored programs specifically designed to alleviate poverty among the poorest families, in which poverty was most often cited as the primary cause of forced child labor. When the government dismantled prostitution rings, it offered women rehabilitation programs, which included work retraining.

Persons with Disabilities

The constitution provides that all citizens are equal before the law and prohibits discrimination on the basis of physical or mental disability; however, there are no laws specifically prohibiting discrimination against persons with disabilities in regard to employment, education, or access to social services, and few persons with disabilities had access to education or employment. There was no law mandating access to public facilities.

National/Racial/Ethnic Minorities

Before the 1994 genocide, an estimated 85 percent of citizens were Hutu, 14 percent were Tutsi, and 1 percent were Batwa (Twa). Prior to the 1994 genocide, citizens were required to carry identity cards that indicated ethnicity, a practice that was instituted in 1931 when the country was under Belgian colonial administration. Following the genocide, the government banned all identity card references to ethnic affiliation as divisionist or contributing to genocide ideology. As a result, the Batwa, purported descendants of the Twa (Pygmy) tribes of the mountainous forest areas bordering the DRC and numbering approximately 33 thousand (less than 1 percent of the population), were no longer designated as an ethnic group. On this basis the government no longer recognized groups advocating for Batwa needs. Batwa said their rights as an indigenous ethnic group were denied as a result of such government policies. However, in October the government permitted the Community of Indigenous People of Rwanda (CAURWA) to register, although it was not recognized as an "indigenous group." CAURWA had lobbied unsuccessfully for such recognition for years. Despite the registration of CAURWA, most Batwa continued to live on the margins of society with very limited access to education, and they continued to be treated as inferior citizens by both the Hutu and Tutsi groups.

Large-scale interethnic violence in the country between Hutus and Tutsis erupted on three occasions since independence in 1962, resulting on each occasion in tens or hundreds of thousands of deaths. The most recent and severe outbreak of such violence, in 1994, involved genocidal killing of much of the Tutsi population under the direction of a Hutu-dominated government and in large part implemented by Hutu-dominated armed forces called the ex-FAR and Interahamwe militia. The genocide ended later the same year when a predominantly Tutsi militia, operating out of Uganda, occupied Rwandan territory, overthrew that government and established the government of National Unity, which was composed of members of eight political parties and which ruled until the elections in 2003. Since 1994 the government has called for national reconciliation and abolished policies of the former government that were perceived to have created and deepened ethnic cleavages. The constitution provides for the eradication of ethnic, regional, and other divisions and the promotion of national unity. Some organizations and individuals accused the government of favoring Tutsis--particularly English-speaking Tutsis--in government employment, admission to professional schooling, recruitment into or promotion within the army, and other matters; however, the government continued to deny this charge.

Incitement to Acts of Discrimination

Unlike in the previous year, there were no reports that local government officials incited Tutsi citizens to make false accusations against or discriminate against Hutus.

In its effort to prevent incitement of violence or discrimination and to encourage reconciliation, the government pursued a strict policy of non-recognition of ethnic identities. Government identification cards do not indicate ethnicity, and the government eliminated all references to ethnicity in written and non-written official discourse. There was no government policy of ethnic quotas for education, training and government employment.

Section 6 Worker Rights

a. The Right of Association

The law provides all salaried workers, including some civil servants, with the right to form and to join unions of their choice without previous authorization or excessive requirements, and workers exercised this right in practice. Although the effects of the 1994 genocide continued to hamper unions, they continued to regroup and assert themselves during the year; however, the government and many employers were opposed to the idea of trade unions operating freely. More than 85 percent of workers were engaged in small-scale subsistence farming, in the informal sector. Approximately 7 percent of the work force worked in the formal (wage) sector. Organized labor represented a small part of the work force.

There were no restrictions on the right of association for non-civil servants; while all unions must register with the Ministry of Labor for official recognition, there were no known cases in which the government denied recognition during the year. However, the law prohibits unions from having political affiliations and from publicly expressing their political opinions.

The law prohibits antiunion discrimination, but there were no functioning labor courts to resolve complaints involving discrimination against unions. Union activists complained that some employers threatened to fire employees who attempted to join a union. The law requires employers to reinstate workers fired for union activity; however, there were no reports that employers had fired employees for this reason.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, and the government protected this right in practice; however, the law does not extend this right to agricultural workers. The law provides for collective bargaining, but this right was severely limited in practice; only the Central Union of Rwandan Workers had an established

collective bargaining agreement with the government. In addition the government was heavily involved in the collective bargaining process since most union members were in the public sector. There are no export processing zones.

Participation in unauthorized demonstrations could result in employee dismissal, nonpayment of wages, and civil action against the union. Authorization was not required for union meetings.

The law provides for the right to strike, except for public service workers and workers in essential services. The minister of labor decides what constitutes an essential service. According to the International Confederation of Free Trade Unions, there is an excessively broad definition of so-called essential services in which strikes are prohibited. A union's executive committee must approve any strike, and the union must first try to resolve its differences with management according to steps prescribed by the ministry of labor. This process essentially prohibits strikes. There was one demonstration by union members during the year.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor; however, prisoners were assigned to work details, which generally involved public maintenance duties. Unlike in the previous year, prisoners were not allowed to be hired out to perform work at private residences and businesses. A 2001 presidential decree authorized gacaca courts to sentence convicts to perform community service; in addition suspected genocidaires who confessed were given sentences involving community service.

Unlike in the previous year, there were no reports of forced coltan mining by prisoners, or of other forms of forced labor.

The law does not specifically prohibit forced and compulsory labor by children. Unlike in the previous year, there were no reports that the RCD-G forcibly recruited children.

d. Prohibition of Child Labor and Minimum Age for Employment

Except for subsistence agricultural workers, who account for approximately 90 percent of the workforce, the law prohibits children under the age of 16 from working without their parents' or guardians' permission and prohibits children under 16 from participating in night work or any work deemed hazardous or difficult, as determined by the minister of labor; however, child labor was prevalent. Night work is defined by the Labor Code as work between 7 p.m. and 5 a.m.; children also must have a rest period of at least 12 hours between work engagements. The minimum age for full-time employment is 18 years, and 14 years for apprenticeships, provided that the child has completed primary school. According to a 2003 UN report, 31 percent of children between the ages of 5 and 14 engaged in child labor, and during the year children headed many households.

The government identified five forms of child labor as those that should be considered as the "worst forms of labor," including domestic work outside the family sphere; agricultural activities on tea, rice, and sugar cane plantations; work in brickyards and sand extraction quarries; crushing stones; and prostitution. During the year child labor persisted in the agricultural sector (particularly on tea plantations), among household domestics, in small companies, and the brick-making industry. In addition child prostitution was a problem. The UN reported in late January that the government recruited children from refugee camps in the country and trained them to be soldiers, although the government denied this report (see sections 2.d. and 5). Children received low wages, and abuse was common. The government did not effectively enforce laws restricting and regulating child labor; during the year there was an insufficient number of labor inspectors.

During the year the government took steps to prevent and reduce the use of child labor. The government worked with NGOs to raise awareness of the problem, to identify children involved in child labor, and to send them to school or vocational training. The government established various programs focused on interventions against child labor, including a joint two-year program with UNICEF begun in 2003, and an International Labor Organization program. In addition local government officials organized an awareness-raising campaign for employers, and the government imposed a fine against those who illegally employ children or send their children to work to the detriment of their education. The government continued to support 12 child labor inspector offices, 1 for each of the country's provinces; however, the government was unable to provide them with adequate resources to effectively identify and prevent the use of child labor.

e. Acceptable Conditions of Work

The Ministry of Public Service, Skills Development, and Labor set minimum wages in the small formal sector. The government, the main employer, effectively set most other wage rates as well. According to the Ministry of Labor, there is no single minimum wage; minimum wages varied according to the nature of the job. The minimum wages paid did not provide a decent standard of living for a worker and family, and in practice workers accepted less than the minimum wage. Families regularly supplemented their incomes by working in small businesses or subsistence agriculture.

Officially, government offices and private sector entities had a 40-hour workweek; the maximum workweek was 45 hours. The government mandated that the workday begin at 7 a.m. and end at 3:30 p.m., with a 30-minute break for lunch. There was no mandated rest period. The law regulates hours of work and occupational health and safety standards in the formal wage sector, but inspectors from the Ministry of Public Service did not enforce these standards aggressively. Workers did not have the right to remove themselves from dangerous work situations without jeopardizing their jobs.



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