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RWANDA

BRIEFING TO THE UN COMMITTEE AGAINST TORTURE

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INTRODUCTION

While conditions in Rwanda's civilian prisons have consistently improved over the last decade, Amnesty International continues to receive reports of torture and other ill-treatment in military detention facilities.

In March 2010, Amnesty International began to receive reports of enforced disappearances, torture and other forms of ill-treatment in military detention facilities at the hands of Rwanda's military intelligence service. This spate of enforced disappearances, torture and other ill-treatment came amidst a deteriorating security situation. Grenade attacks, rare over recent years, intensified from February 2010 onwards, before and after the August 2010 presidential elections.

This briefing to the Committee against Torture (the Committee) is based on Amnesty International's research in Rwanda in September 2010, February, July and November 2011 and February and March 2012. It documents 18 allegations of torture and other ill-treatment by Rwandan military intelligence and other security personnel. It also outlines cases involving enforced disappearance, unlawful detention, and lack of access to lawyers, family members and medical assistance in contravention to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Convention against Torture). It is not an exhaustive submission on the prevalence of torture or other ill-treatment in Rwanda, but focuses solely on military detention facilities.

Rwanda has not ratified the International Convention for the Protection of All Persons from Enforced Disappearance or the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. In response to its Universal Periodic Review before the Human Rights Council in January 2011, Rwanda stated that it was in the process of ratifying the International Convention for the Protection of All Persons from Enforced Disappearance. However at the time of writing it still has not done so.¹

Amnesty International sent letters to the Rwandan Minister of Defence and the Minister of Justice on 29 March 2012 summarizing some of the findings presented in this document. The letters requested an official response in order to reflect the Rwandan government's perspective in this submission. The organization had not received a reply by the time of publication.

I. TORTURE AND OTHER ILL-TREATMENT IN MILITARY PLACES OF DETENTION (ARTICLES 1 AND 16)

Amnesty International has been unable to interview individuals currently detained in Rwanda about their time in detention. Since July 2011, Amnesty International has twice requested authorization to interview detainees and prisoners in private. Most recently, the organization requested in advance of a visit to Rwanda to interview detainees of Kigali Central Prison, Ruhengeri Prison and Rubavu (commonly known as Gisenyi) Prison in private for 5 days between 12 – 28 March 2012. The organization's representatives were informed one working day before leaving Rwanda by the Ministry of Internal Security that they had the right to request authorization. However, they were told that under Rwandan law they could only interview detainees and prisoners in the presence of a prison guard. Amnesty International subsequently received a letter from the Rwanda Correctional Services authorizing the delegates to visit prisons on 4 April 2012, six days after leaving Rwanda.

Due to restrictions on prison access, it has been impossible for Amnesty International to ascertain the extent of torture and other ill-treatment of individuals previously detained in military facilities and subsequently transferred to civilian prisons. Some detainees were kept incommunicado in military facilities

and not permitted to talk to other detainees making it harder to trace their identities. For the above reasons, Amnesty International believes that the number of people detained who were at risk of torture, or who may have been subjected to torture or other ill-treatment, is significantly higher than the number of cases documented.

All individuals formerly detained in military facilities and their family members interviewed by Amnesty International reported that they were severely beaten by military officers during interrogations. One former detainee of Camp Kami, a military camp in Kinyinya Sector, Gasabo District, on the outskirts of Kigali, said in March 2012, “The interrogation, it is beating” and described his time at Camp Kami as a “living death”. Some family members and lawyers reported seeing marks from beatings on their relatives or clients. One family member described the first time they saw their relative after a month’s unlawful detention at Camp Kami, “his face, hands and legs were all swollen. We couldn’t easily recognize him”.² The individual concerned had not been charged by the prosecution or brought before a court during his time at Camp Kami. The vast majority, however, said that no visible signs were left due to the months that had elapsed since the beatings took place, shortly after their arrest and in the immediate months that followed.

Three former detainees from Camp Kami recounted to Amnesty International that they were subjected to electric shocks during interrogations. One of these men said that a military official of the rank of Captain, in the presence of other military officers, placed an electric appliance on his back during an interrogation at the Ministry of Defence. He said, “When I got to the point of dying, I told them to bring me a piece of paper [to sign], but they continued to torture me.” Another man formerly detained at Camp Kami was subjected to electrocution, as those interviewing him tried to extract a confession, according to family members. They reported that he explained this in hushed tones during a prison visit. They did not ask him questions about it, as they felt that they were being watched, and it “wasn’t the time to say everything”.

Amnesty International received three independent reports that some detainees at Camp Kami had bags placed over their heads during interrogations to restrict their breathing.³

At Camp Kami, some detainees endured what they dubbed the “regime”⁴ or “specialization”, where they were kept alone in a room for up to a week. Their hands were handcuffed behind their back and their legs were chained together. They were fed small morsels of maize, given minimal water and emerged in a weak physical state and traumatized.

Amnesty International also documented cases of torture that left no physical marks, but inflicted severe harm, especially when endured for prolonged periods. One former inmate of Kigali Central Prison told Amnesty International that “almost every Friday, new young men accused of threatening state security are brought to the prison”. He said, “Each of these prisoners says they were tortured, but they don’t have scars. They say that the military tortured them, but did so in an intelligent way. Some say they were put in a room with water and they heat the water or they hit you with batons until you accept.”

In all the above cases, detainees did not have access to medical care or lawyers while detained in military facilities. The presence of lawyers during interrogations could have mitigated the risk of torture. For those individuals who were subsequently charged and brought to trial, failure to access medical treatment in military facilities prevented them from submitting medical reports to the court to corroborate torture claims.

A) SECRET DETENTION, INCOMMUNICADO DETENTION AND ENFORCED DISAPPEARANCE (ARTICLES 2 AND 16)

Amnesty International has gathered information on more than 45 reported cases of unlawful detention in military camps and secret detention locations, ranging from 10 days to two years between 2010 and 2011. The vast majority of detainees were male, between the age of 20 and 45, and civilians. Others were members of the Rwandan army or suspected by the Rwandan authorities of belonging to the armed opposition group, the Democratic Forces for the Liberation of Rwanda (FDLR).⁵

Amnesty International was able to cross-check that these individuals were not brought before a court within the time stipulated under Rwandan law rendering their detention unlawful. The organization did so through court rulings on preventative detention and interviews with lawyers, as well as interviews with former detainees and their co-detainees. Many of these former detainees have raised credible allegations of torture or other ill-treatment while in detention.

According to article 37 of the Rwandan Code of Criminal Procedure, judicial police officers have 72 hours to transfer a criminal case file to the Prosecution or release the individual arrested.⁶ The accused should then be charged by the Prosecution and brought before court to review the legality of the detention within seven days or be released.⁷ Rwandan counter-terrorism legislation goes beyond what is foreseen by the Rwandan Code of Criminal Procedure. Under article 45 of this law “a police officer, a security agent or any other authorized person may arrest without warrant in case of clear reasons for suspecting such a person to have committed or attempts [sic] to commit acts of terrorism and shall hand him/her over to the nearest police station in a period not exceeding forty eight (48) hours.”⁸ This regime therefore facilitates the likelihood of individuals suspected of crimes under this law being placed in secret detention for periods of up to 48 hours. Among others, it effectively denies them access to legal counsel in the early stages of detention when they are at the greatest risk of torture or other ill-treatment.

Former detainees and their family members told Amnesty International that security operatives failed to turn them over to the police or prosecution within 72 hours or produce them before court within the subsequent seven days, as required under Rwandan law. Over 10 lawyers representing individuals previously detained at Kami and Mukamira military camps confirmed that their clients had not been charged by the prosecution or brought before a court while in military detention. The former detainees had spent periods ranging from several days to 10 months in unlawful detention.⁹

Rules in Rwanda prohibiting detention in secret places, and regulating detention of civilians in military custody, as outlined in paragraph 36 of Rwanda's submission, are ill-defined. The Code of Criminal Procedure states that, “persons on remand in custody shall not be subject to a release in a place other than the custody availed for that matter and located within the area the National Police or Military Police office is located. As for soldiers, and their accomplices that place shall be located near the office of Military Prosecution.”¹⁰ It does not define “accomplices” and so leaves civilians open to detention in military facilities. It does not regulate the type of places where “soldiers and their accomplices” can be detained.

Amnesty International has documented two cases of individuals not seen since March 2010. The men, both with former links to armed opposition groups in the Democratic Republic of Congo (DRC), had been living in Gisenyi at the time of their disappearance. During its Universal Periodic Review (UPR) the Rwandan government rejected calls to investigate cases of arbitrary arrest and detention and enforced disappearances.¹¹

Sheikh Iddy Abassi, a Congolese religious leader, was abducted from outside his home in Gisenyi on the evening of 25 March 2010. He was a former supporter of Laurent Nkunda, the former leader of the National Congress for the Defence of the People (CNDP), who was arrested by the Rwandan authorities in January 2009 and has since been detained without trial. Sheikh Iddy Abassi's family reported him missing to the local police and military on 26 March 2010, but he has not been seen since.¹²

His whereabouts remain unknown.

Robert Ndengeye Urayenzeza, a dual citizen of Rwanda and the DRC, was last seen on 26 March 2010 around 6am when he dropped a family member at the Nyabugogo Bus Station in Kigali. On that morning, he was driving a Toyota Vista registration number RAA 060Y. He was supposed to go to his brother's home in Kigali, but never reached there. Family members tried to contact him by telephone later that morning. At first, he did not answer and by mid-morning, his phone was switched-off.¹³

Robert Ndengeye Urayenzeza's family reported him missing to the Rwandan National Security Service (NSS) on 27 March 2010, but have not received further news from the NSS on his whereabouts. On 7 May 2010, Robert Ndengeye Urayenzeza made a phone call saying that he was detained at an unknown location in Rwanda.

In October 2010, two months after a written request for information, the Rwandan police confirmed by telephone that Robert Ndengeye Urayenzeza was not in police custody. They suggested that Amnesty International instead direct enquiries to the Ministry of Defence.¹⁴

The Rwandan Minister of Defence did not respond to a letter from Amnesty International requesting information on Robert Ndengeye Urayenzeza's whereabouts in November 2010.¹⁵

Amnesty International has received credible information from three sources suggesting that Robert Ndengeye Urayenzeza is detained by Rwandan military intelligence. The organization believes that for nearly a year, he may have been detained in a safehouse in the Remera/Kimironko neighbourhood of Kigali.

Family members that Amnesty International met often had no information on the whereabouts of those believed to be subjected to enforced disappearance for a number of months. Many wrote to the authorities asking them to confirm that their relatives were under arrest and where they were detained. Different families addressed their correspondence to different authorities - the Rwandan National Security Service (NSS), the Rwandan National Police, the President's Office, local military officials and local administrators – but the common pattern was that no family received an official response.¹⁶ In some cases, the authorities denied holding them.

In other cases, military or police officers verbally confirmed to family members that their relatives were detained by the military or military intelligence, but refused to notify them of the place of detention. The wife of a man arrested by the military was told by an army officer that her "husband is in the hands of the army". She told Amnesty International that he refused to give her further information and said "from that day onwards, I didn't look again for my husband, but I prayed for him a lot and hoped that he was still alive."¹⁷ In another case, when a family member approached the local military to ask where their relative was detained, they were told he was "an enemy of the state" and "not to waste their time looking for him."¹⁸ In a third case, the wife of a man arrested by the military said, "all those months went by without knowing if my husband existed or not."¹⁹

In all three cases above, these families were unaware of the whereabouts of their relatives for eight months until they resurfaced in court. They were among 30 men accused of involvement in a series of grenade attacks in 2010 and in previous years. They had been unlawfully detained at Camp Kami for most of this period without being brought before a court to review the legality of their detention. The court which handled the pre-trial detention hearing of 29 of these men recognized that they had previously been illegally detained.²⁰

Notifying family members of the whereabouts of the detained individual, bringing detainees before a judicial authority, and allowing access to lawyers, doctors and family members are important safeguards against torture and other ill-treatment.²¹ The UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment has stated that "in all circumstances, a relative of the detainee should be informed of the arrest and place of detention within 18 hours."²²

II. DEFINITION OF TORTURE AND OTHER ILL-TREATMENT IN RWANDAN LEGISLATION (ARTICLES 1, 2, 4 AND 16)

Rwanda's current Penal Code does not establish acts of torture as an autonomous offence. The Penal Code

is currently being revised. The draft includes the Article 1 definition of the Convention against Torture according to Rwanda's submission.²³ It is currently awaiting Senate approval.²⁴

Rwanda's Code of Criminal Procedure subjects offences related to torture, outside the context of war crimes, crimes against humanity and genocide, to a 10 year statute of limitations.²⁵ This may impede justice for past cases of torture and limits the ability of victims to seek reparations.

III. SCOPE OF THE EXCLUSION OF CONFESSIONS OR EVIDENCE COERCED THROUGH TORTURE IN RWANDAN LEGISLATION (ARTICLE 15)

The existing prohibition of the use of confessions or evidence coerced through torture does not explicitly include mental torture. "Confessions or evidence obtained by torture or brain washing" are prohibited in all courts, including specialized courts, such as military courts. Rwanda's evidence law states "a person cannot retract a judicial admission unless it can be proved that the admission was a result of physical torture or it was a mistake of fact." This provision should be amended in line with international standards, including by covering mental torture.²⁶

IV. STATEMENTS MADE AS A RESULT OF TORTURE OR OTHER ILL-TREATMENT, FAILURE TO INVESTIGATE ALLEGATIONS OF TORTURE AND OTHER ILL-TREATMENT, AND THE RIGHT TO OBTAIN REDRESS (ARTICLES 12, 14 AND 15)

Amnesty International has documented cases of individuals charged with threatening national security and formerly detained at Kami or Mukamira military camps, and in safehouses in Kigali, who say they gave false confessions due to beatings and other forms of torture. These interrogations by military intelligence officers took place at the above mentioned detention facilities and at the Rwandan Ministry of Defence (MINADEFF).²⁷ Of over 10 lawyers interviewed by Amnesty International, six of their clients reported that they had been subjected to forced confessions.

In most cases documented by Amnesty International, detainees were charged with terrorism and threatening national security and transferred to prisons pending trial.²⁸ Many accused told judges that they had been severely beaten during interrogations while in military detention. Some said this had led them to confess under duress and subsequently retracted their confessions in court. Others told the court that they had been tortured but entered guilty pleas.

Though Rwanda's evidence law prohibits the use of confessions or evidence obtained through torture, it also requires proof that the admission was a result of physical torture. It states that "a person cannot retract a judicial admission unless it can be proved that the admission was a result of physical torture or it was a mistake of fact."²⁹ Instead of ordering the Prosecution to investigate allegations of torture, judges regularly asked the accused or their lawyers to provide such evidence. Given the length of time spent in military camps and the lack of access to medical treatment during this time, the accused were unable to provide medical evidence in support of their claims. In no cases documented by Amnesty International did judges order the Prosecution to get a medical report.³⁰

A trial (known as the “grenade trial”) of 30 people accused of involvement in a series of grenade attacks in 2010 and earlier years opened in the High Court in 2011. Several of the defendants stated in court that they had been unlawfully detained at Camp Kami for up to nine months. Most pleaded guilty, but several stated that they had been tortured while in military detention.³¹

Of the 30 accused, three told the court during the trial that they gave false confessions under duress. A further three accused told the court that they had been severely hit during interrogations, but they had not confessed. Another accused maintained his confession, but said that he had been tortured while detained at Camp Kami.

In this trial, judges placed the onus on defendants to prove that they had been tortured, rather than requesting the prosecution to investigate the torture allegations. The court asked defendants for medical reports to prove torture, but the defendants had not had access to a doctor during the months they spent in military detention. One of the accused, Jean-Damascene Ngarambe, had confessed while in military detention to giving 12,000 Rwandan francs (approximately \$20) to the FDLR. At his bail hearing before the Higher Instance Court of Nyarugenge he retracted this confession which he said was a result of torture. In the substantive trial at the High Court, he reiterated that he had made a forced confession while detained at Kami Camp. He was found guilty of giving approximately \$20 to the FDLR and was sentenced to five years in prison.

In one particularly egregious case, an accused who maintained his guilty plea alleged that he suffered torture and other ill-treatment inflicted on his genitals at Camp Kami. He also said that he was repeatedly hit during his detention there and blindfolded for prolonged periods. He offered to show signs of the torture to the judges, but they refused and did not order the prosecution to investigate this further.

According to information from former detainees, their lawyers, family members and other organizations following these cases, none of the torture allegations contained in this submission have been investigated.

A) WILLINGNESS OF LAWYERS TO RAISE ALLEGATIONS OF TORTURE IN COURT

Defence lawyers for individuals charged with threatening national security and previously detained in military camps emphasized the sensitive nature of these cases. Many of them refrained from asking their clients questions about where they were detained prior to being charged and the nature of detention conditions. When asked by Amnesty International about the nature of his client’s interrogations at the military camp and who had interviewed his client, one lawyer responded, “I didn’t see the importance of [asking] that.”³²

The reticence of lawyers to ask probing questions about detention conditions inhibited their ability to demonstrate in court that legal safeguards to prevent torture in military custody had been violated. One man who had been allegedly tortured by military officials before and during his detention at Camp Kami, said that his lawyer “told me not to say things in court related to torture. My lawyer said they [the judges] would say that there was no proof and if you enter into the details of the torture that could create problems for you with the judge.”³³

V. FEAR OF REPRISALS (ARTICLE 13)

In addition to individuals interviewed for this submission, many other individuals formerly detained in military camps and their family members approached by Amnesty International were too scared to talk to the organization.

Relatives reported that they feared for their own security and therefore refrained from presenting habeas corpus applications to the courts. Many relatives told Amnesty International that they were scared that the treatment of their disappeared relatives would worsen or that other members of the family would also be subjected to enforced disappearance. They expressed general security concerns for themselves and their children and the risk of being stigmatized by their employer and losing their sole remaining income. The

family member of a man who disappeared for over a year said filing habeas corpus equated to “taking the government to court” and they could not do that.

Family members stressed that even after their relatives were transferred to civilian prisons, they felt insecure and “kept their mouths shut” for fear of further problems. Men released after having spent almost a year in military detention reported to Amnesty International that they were scared because they continued to be followed or were under other surveillance. They were focused on ensuring their security and did not seek reparations for fear of reprisals. Some eventually fled Rwanda.

A) RWANDAN GOVERNMENT’S RESPONSE TO A HABEAS CORPUS PETITION AT THE EAST AFRICAN COURT OF JUSTICE

One family too scared to file habeas corpus before Rwandan courts, instead filed their petition before the East African Court of Justice in Tanzania. After her brother, Lieutenant Colonel Rugigana Ngabo, a Rwandan army officer, had been detained at an unknown location for two and a half months, Plaxeda Rugumba, a Ugandan national, filed a habeas corpus petition before the East African Court of Justice. The request stated that Lieutenant Colonel Rugigana Ngabo’s wife was unable to file a habeas corpus application in Rwanda, as “her attempts to follow up the detention of her husband has led to her being harassed into hiding”.³⁴ Lieutenant Colonel Rugigana Ngabo’s wife fled the country soon after her sister-in-law filed the petition and was granted refugee status outside Africa due to threats following her husband’s arrest.

On 21 January 2011, five months after his arrest, and over two months after the petition before the East African Court of Justice, Lieutenant Colonel Rugigana Ngabo was presented in court for the first time. At a subsequent hearing in January 2011, he was charged with crimes against national security under Article 166 of Rwanda’s Penal Code. The Military High Court ruled on 28 January 2011 that Lieutenant Colonel Rugigana Ngabo had been “irregularly detained” but remanded him in pre-trial detention due to the gravity of charges against him.³⁵

As with other pre-trial hearings in Rwanda for individuals who had been illegally detained for many months, the Military High Court ruled it possible to “regularize” the detention. This view was also reflected in Rwandan government statements which did not seek to condemn the original unlawful detention. In an affidavit submitted to the East African Court of Justice in this case, Rwanda’s Minister of Justice and Attorney General stated: “In effect the mischief in relation to the irregular detention was cured by the decision of the Military High Court when it regularised the pre-trial detention.”³⁶

The East African Court of Justice ruled that the detention of Lieutenant Colonel Rugigana Ngabo “without trial and without at the very least, production of the Subject before a competent Court or Tribunal for a period of five (5) months” breached the East African Treaty.³⁷ The Rwandan government appealed against this decision.

VI. RECOMMENDATIONS

Amnesty International recommends that the Rwandan government:

- Ensure civilians, including demobilized military, are only detained in official detention facilities falling under the Ministry of Internal Security.
- Amend the Code of Criminal Procedure to prevent civilians, including demobilized military, from being detained in military detention facilities.
- Undertake a prompt review of Rwandan legislation governing counter-terrorism and national security to ensure compliance with international human rights standards.
- Ensure all detainees, including those held by the military and intelligence services, are examined by an independent doctor or nurse as soon as they are arrested and have ongoing access to medical care while in

detention.

- Ensure that all detainees, including military, are given access to legal counsel from the outset of detention and have access to legal counsel during all interrogations.
- Immediately undertake a public and impartial investigation into the use of safehouses as secret detention sites and the detention of civilians in military detention facilities, and ensure prompt and impartial investigations of allegations of torture and other ill-treatment in these detention places.
- Issue a public notice with full information about all official places of detention, including their location, and end the detention of persons in a place that has not been officially declared a place of detention.
- Suspend any agents, including military officers, suspected of being involved in torture or officials who have ordered or condoned such torture regardless of rank pending an impartial and independent criminal investigation.
- Ensure that any statement obtained by torture or other ill-treatment is inadmissible in any proceedings, except in proceedings against a person accused of torture or other ill-treatment as evidence that the statement was made.
- Amend Article 110 of the 2004 Rwandan Law on Evidence in line with international standards, including by expressly stating that confessions obtained by mental, as well as physical, torture are inadmissible in any proceedings.
- Amend the Code of Criminal Procedure to lift statutory limitations on torture, outside the context of war crimes, crimes against humanity and genocide.
- Train judges to ask probing questions about individuals who may have been detained in secret or military facilities to ascertain when and by whom they were arrested, where they were detained, by whom, about what and how many times they had been interrogated, whether any records existed of these interrogations, whether they had access to a lawyer and independent medical assistance and if they had been subjected to torture or other ill-treatment.
- Train judges to summon authorities responsible for detention to probe the conditions and circumstances of detention and to subpoena records which may potentially include exculpatory evidence.
- Ensure that international and Rwandan human rights organizations have unhindered access to all Rwandan detention facilities and are able to interview detainees in private.
- Ensure that all victims of torture have an effective right to a remedy and reparations.
- Ratify the Optional Protocol to the Convention against Torture.
- Ratify the International Convention for the Protection of All Persons from Enforced Disappearance.
- Reveal the fate and whereabouts of Robert Ndengeye Urayenzeza subjected to enforced disappearance in March 2010 and believed to be detained by military intelligence. Release or charge him with a recognizable criminal offence
- Reveal the fate and whereabouts of Sheikh Iddy Abbasi believed to have been subjected to enforced disappearance in March 2010. Release or charge him with a recognizable criminal offence.

¹ Report of the Working Group on the Universal Periodic Review, Rwanda, 14 March 2011, A/HRC/17/4, paragraph 79.1.

² Amnesty International interview with family member of individual previously detained at Camp Kami, February 2012, Kigali, Rwanda.

³ Amnesty International interview with former detainees and a relative of a former detainee of Camp Kami; Information from person present at provisional detention appeal hearing in the grenade trial, High Court of Kigali, 28 March 2011.

⁴ The term “regime” can also mean diet in French.

⁵ The Democratic Forces for the Liberation of Rwanda (FDLR) is an armed opposition group active in the Democratic Republic of Congo (DRC) composed of Rwandans, including some who were responsible for the 1994 genocide, as well as many more too young to have been involved in it.

⁶ Law N° 13/2004 of 17/05/2004 Relating to the Code of Criminal Procedure, published in the Official Gazette on 30/07/2004, Article 37; Law N° 20/2006 of 22/04/2006 modifying and complementing the Law n° 13/2004 of 17/5/2004 Relating to the Code of Criminal Procedure, published in the Official Gazette on 27/05/2006, Article 9.

⁷ Law N° 20/2006 of 22/04/2006 modifying and complementing the Law n° 13/2004 of 17/5/2004 Relating to the Code of Criminal Procedure, published in the Official Gazette on 27/05/2006, Articles 13 and 20.

⁸ Law N° 45/2008 of 09/09/2008 Law on Counter-Terrorism, published in the Official Gazette on 06/04/2009, Article 45.

⁹ Amnesty International interviews with several lawyers, November 2011 and February and March 2012, Kigali, Rwanda.

¹⁰ Law N° 13/2004 of 17/05/2004 Relating to the Code of Criminal Procedure, published in the Official Gazette on 30/07/2004, Article 40.

¹¹ Amnesty International public statement, “Rwanda: Respect freedom of expression and end arbitrary detentions and enforced disappearances”, 17 June 2011, AFR 47/005/2011, <http://amnesty.org/en/library/asset/AFR47/005/2011/en/e2002323-9c5d-4755-a50e-1915069f1ecd/af470052011en.pdf> [accessed 25 March 2012].

¹² Amnesty International interviews with individuals knowledgeable about the case, September 2010, Kampala, Uganda; Human Rights Watch press release, “DR Congo: ICC-Indicted War Criminal Implicated in Assassinations of Opponents”, 13 October 2010, <http://www.hrw.org/news/2010/10/12/dr-congo-icc-indicted-war-criminal-involved-assassinations-opponents> [accessed 25 March 2012].

¹³ Amnesty International public statement, “Reveal whereabouts of disappeared businessman”, 27 January 2011, AFR 47/001/2011, <http://amnesty.org/en/library/asset/AFR47/001/2011/en/f33e5bf1-a4ca-4251-b054-090a3dff83c4/af470012011en.pdf> [accessed 25 March 2012].

¹⁴ Amnesty International letter to Emmanuel Gasana, Inspector General of the Rwanda National Police, 27 August 2010; Amnesty International phone call to Eric Kayiranga, then Spokesperson for the Rwanda National Police, October 2010.

¹⁵ Amnesty International letter to General James Kabarebe, Minister of Defence, 4 November 2010.

¹⁶ For example, letters on file with Amnesty International dated March 2010 and February 2011; Letters viewed by Amnesty International dated March 2011 and October 2011.

¹⁷ Amnesty International interview with wife of man previously detained in Camp Kami, March 2012, Kigali, Rwanda.

¹⁸ Amnesty International interview with family member of individual previously detained at Camp Kami, February 2012, Kigali, Rwanda.

¹⁹ Amnesty International interview with wife of man previously detained in Camp Kami, March 2012, Kigali, Rwanda.

²⁰ Court ruling on pre-trial detention, Higher Instance Court of Nyarugenge, 1 March 2011, Kigali, Rwanda.

²¹ See, inter alia, Committee against Torture, General Comment number 2, CAT/C/GC/2, paragraph 13, Human Rights Committee, General Comment number 20, paragraph 11, Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Report to the 13th session of the Human Rights Council, Addendum 5, A/HRC/13/19/Add.5, paragraphs 156 and 259(a).

²² Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Report to the 59th session of the UN Commission on Human Rights, E/CN.4/2003/68, paragraph 26(g).

²³ Article 204, Draft Organic Law related to the new penal code adopted by the Chamber of Deputies cited in Rwanda's report to the Committee against Torture, 16 June 2011, CAT/C/RWA/1, paragraph 14.

²⁴ Maria Kaitesi and James Karuhanga, "Rwanda: Mixed Reactions as Legislation on Abortion Goes to Senate", *New Times*, 9 April 2012, <http://allafrica.com/stories/201204090326.html> [accessed on 11 April 2012].

²⁵ Law N° 13/2004 of 17/05/2004 Relating to the Code of Criminal Procedure, published in the Official Gazette on 30/07/2004, Article 4; Committee against Torture, Consideration of reports submitted by State parties under article 19 of the Convention: Rwanda, CAT/C/RWA/1, 16 June 2011, paragraphs 57 – 58.

²⁶ Law N° 15/2004 Relating to Evidence and Its Production, published in the Official Gazette on 19/07/2004, Articles 5 – 8 and 110.

²⁷ Many were questioned about the 2010 and 2011 grenade attacks, their opinions of and relationship to the former Head of the Rwandan Army, Kayumba Nyamwasa and opposition politician, Victoire Ingabire, opposition politicians in the diaspora, and the funding of the FDLR. Others were asked questions about their personal, social and family relationships, including with other detainees who had been arrested.

²⁸ Some individuals who had disappeared were eventually released without charge from detention in military camps.

²⁹ Law N° 15/2004 Relating to Evidence and Its Production, published in the Official Gazette 19 July 2004, Articles 5 – 8; Law N° 15/2004 Relating to Evidence and Its Production, published in the Official Gazette 19 July 2004, Article 110.

³⁰ Amnesty International interviews with several lawyers working on three different cases with a total of 44 accused, February and March 2012, Kigali, Rwanda.

³¹ Information from person present at the provisional detention hearing, 1 March 2011; LIPRODHOR press release, Rwanda: Procès Jean Bosco Ngarama placé en détention préventive de 30 jours par le Tribunal de Grande Instance de Nyarugenge pour diverses infractions notamment l'atteinte à la sécurité de l'Etat, 10 May 2011; Amnesty International interview with individual who had been accused in this case, February 2012, location withheld.

³² Amnesty International interviews with several lawyers, February and March 2012, Kigali, Rwanda.

³³ Amnesty International interview with former detainee of Camp Kami, March 2012, location withheld.

³⁴ East African Court of Justice, Plaxeda Rugumba versus The Secretary General of the East African Community and the Attorney General of the Republic of Rwanda, 8 November 2010.

³⁵ ODP 0006/011/HCM, Military High Court ruling on pretrial detention matters, 28 January 2011.

³⁶ East African Court of Justice, Affidavit by Tharcisse Karugarama, the Attorney General of the Republic of Rwanda, 16 June 2011.

³⁷ East African Court of Justice, Plaxeda Rugumba versus The Secretary General of the East African Community and the Attorney General of the Republic of Rwanda, 1 December 2011, paragraph 42.

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