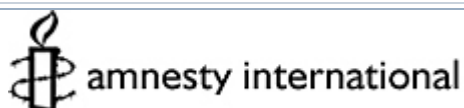


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Amnesty International Annual Report 2012 - Rwanda

Head of state: **Paul Kagame**

Head of government: **Pierre Damien Habumuremyi (replaced Bernard Makuza in October)**

Death penalty: **abolitionist for all crimes**

Population: **10.9 million**

Life expectancy: **55.4 years**

Under-5 mortality: **110.8 per 1,000**

Adult literacy: **70.7 per cent**

The authorities increasingly prosecuted individuals for criticizing government policies and there was a rise in unlawful detentions. Restrictions on freedom of expression persisted despite plans to reform laws. Opposition politicians and journalists arrested during the 2010 elections were unfairly convicted on politically motivated charges.

Background

Rwanda's human rights record was assessed under the UN Universal Periodic Review in January. The government accepted the majority of the recommendations, including those to revise existing legislation to protect freedom of expression. The government rejected recommendations to investigate cases of arbitrary arrest and detention, including those which may constitute enforced disappearances, arguing that irregular arrests were few and that officials responsible had been held accountable.

Security concerns intensified in 2011 following events including grenade attacks in 2010, divisions in the ruling Rwandan Patriotic Front (RPF) party, and disaffected supporters of Laurent Nkunda, the former leader of the National Congress for the Defence of the People.

The government co-organized a meeting in the capital Kigali to encourage other countries in Africa to follow Rwanda's example in abolishing the death penalty.

Donors remained supportive of the government, citing economic development, but privately voiced concerns about human rights violations.

Freedom of expression

Freedom of expression remained severely restricted despite pending legislative changes. A growing number of people were convicted for perceived threats to national security, such as criticizing government policies.

Laws on 'genocide ideology' and 'sectarianism'

Commitments to revise the "genocide ideology" law ran counter to the government's continued misuse of broad and ill-defined laws on "genocide ideology" and "sectarianism", more commonly known as "divisionism". The laws prohibit hate speech, but also criminalize criticism of the government. At the end of the year the government had not discussed the promised revisions to the "genocide ideology" law, first announced in April 2010.

- Bernard Ntaganda, President of the Ideal Social Party (PS-Imberakuri), was sentenced to four years' imprisonment in February. He was found guilty of "divisionism" for making public speeches criticizing government policies ahead of the 2010 elections, breaching state security and attempting to plan an "unauthorized demonstration". His prosecution for threatening state security and divisionism was solely based on speeches criticizing government policies.
- The trial of Victoire Ingabire, leader of the United Democratic Forces (FDU-Inkingi), opened in September. She was charged with terrorism, creating an armed group, "genocide ideology", "sectarianism" and willingly disseminating rumours aimed at inciting the public against the existing leadership. The "genocide ideology" charges were partly based on her public call for the prosecution of war crimes by the RPF (see Justice system). There were concerns about violations of fair trial standards, including by allowing the prosecution to present evidence which pre-dated the laws under which she was charged.

Journalists

A raft of legislation to enhance media freedom was before parliament at the end of the year. Human rights organizations hoped that proposed revisions to the media law, the Media High Council law and a new access to information bill would reduce state control of the media. Defamation was set to remain a criminal offence; the law against defamation had been used in previous years to silence journalists and close media outlets.

Private media outlets, shut down in 2010, remained closed and their editors and other independent journalists remained exiled.

- Agnes Nkusi Uwimana, editor of the private Kinyarwanda tabloid newspaper *Umurabyo*, and her deputy editor Saidati Mukakibibi, were sentenced on 5 February to 17 and seven years in prison respectively for opinion pieces critical of government policies published before the 2010 presidential elections. Agnes Nkusi Uwimana was found guilty of threatening state security, "genocide ideology", "divisionism" and defamation. Saidati Mukakibibi was found guilty of threatening state security. Their appeal was adjourned to 2012.
- The prosecution did not reopen the investigation into the June 2010 killing of journalist Jean-Léonard Rugambage, despite deficiencies in the original investigation. In September, one of the convicted killers was acquitted on appeal and the other had his sentence reduced from life imprisonment to 10 years.

Human rights defenders

Human rights defenders continued to be intimidated and harassed by officials, including through detention, threats, administrative obstacles and allegations of financial misconduct.

- Joseph Sanane and Epimack Kwokwo, President and Acting Executive Secretary of the Human Rights League in the Great Lakes Region (LDGL), were detained on 19 August, accused of having helped LDGL's Executive Secretary, Pascal Nyilibakwe, to leave Rwanda in 2010 after repeated threats to his safety. Joseph Sanane was detained overnight and Epimack Kwokwo was released after several hours.

Freedom of association

Opposition politicians were convicted for attempting to plan or participate in "unauthorized" demonstrations. Some lower-ranking opposition party members were

detained. Rwandan authorities threatened and intimidated opposition politicians in neighbouring countries, as well as in South Africa and some countries in Europe.

- In May, police in the UK warned two Rwandan opposition activists that the Rwandan government posed an imminent threat to their lives.

Prisoners of conscience

Charles Ntakirutinka, a former government minister, continued to serve a 10-year prison sentence in Kigali Central Prison. After an unfair trial, he was convicted of inciting civil disobedience and association with criminal elements.

Justice system

As part of continued attempts to secure transfers and extraditions of people suspected of genocide, the government amended legislation to ensure that those convicted would not be sentenced to "life imprisonment with special provisions". This sentence could constitute prolonged solitary confinement for those whose family members were unwilling or unable to visit. Such prisoners would only have the right to communicate with a lawyer in the presence of a prison guard, violating defence rights during appeal hearings. The sentence was not applied due to a lack of individual cells.

Despite requests, no independent NGO was granted access to monitor prison conditions or interview detainees in private.

Gacaca trials of genocide cases – which did not meet international fair trial standards – were set to close in late 2011 following several delays. At the end of the year, some applications for review remained pending. A new law determining how further allegations of involvement in the 1994 genocide would be investigated and prosecuted before ordinary courts was yet to be brought to parliament.

Unlawful detention and enforced disappearances

Scores of young men arrested in 2010 and 2011 were unlawfully held in military detention facilities, including Camp Kami, and in illegal detention facilities including Chez Gacinya and Gikondo, often for several months. They were denied access to lawyers, medical care and the opportunity to challenge their cases before a court. In some cases, family members officially requested information from the police which was not forthcoming. Some detainees were transferred to ordinary prisons after being charged with threatening national security. Others were released on condition that they remained silent.

The authorities failed to shed light on the enforced disappearance of Robert Ndengeye Urayenzeza. Last seen in March 2010, he was believed to be in military custody.

International justice

International Criminal Tribunal for Rwanda

Numerous judgements were handed down by the International Criminal Tribunal for Rwanda (ICTR) during the year, although nine indictees remained at large. The ICTR was due to close in 2012.

In December, the ICTR Appeals Chamber upheld the decision to transfer the case of Jean Uwinkindi to Rwanda. The ruling cited Rwanda's expressed intention to introduce legislation that would allow foreign judges to sit on transferred cases. It would be the first genocide case to be transferred or extradited to Rwanda.

Universal jurisdiction

Judicial proceedings against genocide suspects took place in Finland, Germany and Spain. The extradition requested by France and Spain of Kayumba Nyamwasa, a Rwandese national allegedly responsible for crimes against humanity committed in Rwanda, was still pending in South Africa, where he was granted asylum in 2010. Rwanda's request for extradition was turned down by the South African authorities.

- The European Court of Human Rights ruled in October that Sylvere Ahorugeze could be extradited from Sweden to Rwanda. Sweden had previously released Sylvere Ahorugeze due to the length of his pre-trial detention. Failure to impose effective safeguards for his appearance at trial meant that the rights to justice of Rwandan genocide victims could not be guaranteed.
- Norway ruled to extradite Charles Bandora. The case was subject to an appeal.

Impunity for war crimes and crimes against humanity

There were no investigations or prosecutions for allegations of war crimes and crimes against humanity committed by the Rwandan Patriotic Army in 1994 in Rwanda, and gross human rights violations by Rwandan armed forces in the Democratic Republic of the Congo, as documented in the UN mapping report.

Refugees and asylum-seekers

A cessation clause for Rwandan refugees was invoked on 31 December by UNHCR, the UN refugee agency, meaning that refugees would lose their status. By the end of the year,

Rwandan refugees in various countries had no access to exemption interviews to demonstrate individual grounds for continued fear of persecution. The clause was due to take effect on 1 July 2012.