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Freedom in the World - Rwanda (2007)

Population:
9,100,000

Capital:
Kigali

Political Rights Score: 6
Civil Liberties Score: 5
Status: Not Free

Overview

In 2006, Rwanda's postgenocide reconciliation effort continued, with increased adjudication of cases through traditional dispute-resolution mechanisms. Meanwhile, the UN International Criminal Tribunal for Rwanda moved toward concluding its prosecution of crimes against humanity. Tensions with neighboring countries Uganda and the Democratic Republic of Congo (DRC) continued during the year. The Supreme Court upheld the conviction and 15-year prison sentence of former president Pasteur Bizimungu, who was widely considered to be a political prisoner, but overturned the convictions of several of his co-defendants.

Rwanda's minority Tutsi ethnic group traditionally ruled over the majority Hutus, and loose colonial oversight—by Germany beginning in the late nineteenth century and Belgium after World War I—largely left that arrangement in place. A Hutu rebellion in 1959 overthrew the Tutsi monarchy, and independence from Belgium followed in 1962. Hundreds of thousands of Tutsis were killed or fled the country in recurring violence over the subsequent decades. In 1990, the Tutsi-dominated Rwandan Patriotic Front (RPF) launched a guerrilla war to force the Hutu regime, led by President Juvenal Habyarimana, to accept power sharing and the return of Tutsi refugees.

Habyarimana and Burundian President Cyprien Ntaryamira were killed when their plane was shot down near Kigali in April 1994. While the perpetrators have never been identified, many observers believed that Hutu extremists, angered by Habyarimana's negotiation with the RPF, carried out the attack. Responding to claims for land and power by Rwanda's Tutsi minority, which constituted about 15 percent of the population, the Hutu extremists pursued the complete elimination of the Tutsi people. The ensuing genocide was well planned, with organized distributions of imported machetes and lists of targeted victims broadcast by radio, but the RPF nevertheless succeeded in overrunning the country.

The Hutu-dominated army and militia, along with as many as two million Hutu refugees, then fled into neighboring countries, especially the Democratic Republic of Congo (DRC), then known as Zaire. International relief efforts that eased the suffering of these refugees also had the effect of allowing the retraining and rearming of the former army and militia forces. The United Nations, which had ignored specific warnings of an impending genocide in 1994, failed to prevent the new activity, and the RPF took direct action, attacking the refugee camps in the DRC.

Nearly three million refugees returned to Rwanda between 1996 and 1998 and were peacefully reintegrated into society. Security improved considerably after 1997, although isolated killings and “disappearances” continued. The government, led by the RPF, closely directed the country’s political life. In 2000, President Pasteur Bizimungu, a moderate Hutu installed by the RPF, resigned and was replaced by Vice President Paul Kagame, who had already been the de facto leader of the country. A new prime minister, Bernard Makuza, was appointed.

Rwanda’s extended postgenocide political transition period officially ended in 2003 with national elections. The RPF’s preeminent position in Rwandan political life—combined with a short campaign period, the advantages of incumbency, and continuing effects of the genocide that inhibited free expression of political will—ensured victory for Kagame in the August presidential vote and for the RPF and its allies in the September parliamentary elections. The largest opposition party, the Hutu-based Democratic Republican Movement (MDR), was declared illegal by the authorities before the elections for allegedly sowing “divisionism,” meaning the fanning of ethnic hatred. In a sign of the extent of the RPF’s influence, even the MDR parliamentary delegation voted to ban the party. A new constitution that officially permits political parties to exist under certain conditions was unveiled in 2003.

A parliamentary commission issued a report in early 2004 criticizing a number of nongovernmental organizations (NGOs) for propagating “genocide ideology.” Subsequently, under the threat of a legal ban, the organizations significantly limited activities that involved criticism of the government and its policies.

In June 2004, Bizimungu was sentenced to 15 years in prison after being convicted of inciting civil disobedience, creating a criminal gang, and embezzling state funds, although Amnesty International and other independent observers questioned the fairness of the trial. The Supreme Court in February 2006 upheld Bizimungu’s prison sentence, but overturned the convictions of six of his co-defendants.

Rwanda’s slow postgenocide reconciliation process continued in 2006, with increased adjudication of cases through traditional dispute-resolution mechanisms. The UN International Criminal Tribunal for Rwanda (ICTR) also moved to complete its prosecution of crimes against humanity as the May 2007 end of its extended mandate approached.

Rwanda’s relations with the DRC and Uganda remained tense during the year, due to continued political instability and violence in eastern Congo and allegations that Rwandan rebels were using Uganda as a base.

Political Rights and Civil Liberties

Rwanda is not an electoral democracy. The 2003 presidential and parliamentary elections presented Rwandans with only a limited degree of political choice. The 2003 constitution grants broad powers to the president, who serves seven-year terms and has the authority to appoint the prime minister and dissolve the bicameral Parliament. The 26-seat upper house, the Senate, consists of 12 members elected by local councils, 8 appointed by the president, 4 chosen by a forum of political parties, and 2 representatives of universities, all serving eight-year terms. The 80-seat Chamber of Deputies, or lower house, consists of 53 directly elected members, 24 women chosen by local councils, two deputies named by a youth council, and one representative of a federation for the disabled. All

serve five-year terms.

The constitution officially permits political parties to exist but only under certain conditions. Political parties closely identified with the 1994 massacres are banned, as are parties based on ethnicity or religion. The cabinet must consist of representatives from several different parties, and the largest party is not allowed to occupy more than half of the cabinet seats. The constitution also provides that the president, prime minister, and president of the lower house cannot all belong to the same party. Hutus have some representation in the government, including Prime Minister Makuza, who belonged to the MDR before it was banned in 2003.

The constitution restricts political campaigning at the grassroots level. Its emphasis on "national unity" as a priority and its prohibition of the incitement of ethnic hatred have the effect of limiting political pluralism. The RPF dominates the political arena. Eight other political parties associate themselves with the government rather than adopting independent positions on issues. The constitutionally mandated Political Party Forum, to which all parties must belong, operates on the principle of consensus, and in practice the RPF guides its deliberations. However, parliamentary committees have begun to question ministers and other executive branch officers more energetically, and some of these deliberations are reported in the local press.

While graft remains a significant problem, the government has undertaken a number of anticorruption measures. In 2005, President Kagame fired several top leaders for alleged corruption and embezzlement, including the minister of agriculture and the ambassadors to France, Ethiopia, and the African Union. Government institutions focused on the corruption issue include the Office of the Ombudsman, the auditor general, and the National Tender Board. Rwanda was ranked 121 out of 163 countries in Transparency International's 2006 Corruption Perceptions Index.

The RPF has imposed a number of legal restrictions and informal controls on the media, and press freedom groups have accused the government of intimidating independent journalists. Publications such as the independent national weekly *Umuseso* have been closely watched, harassed, and repeatedly prosecuted. In 2006, the Rwandan high court sentenced *Umuseso* editor Charles Kabonero to a suspended one-year prison term and a fine of about \$2,000 for a 2004 article critical of a senior parliamentary official. Journalists censor their own writing and say that the authorities have made it clear that certain topics cannot be discussed.

The broadcast media are government controlled, although private radio and television stations can be licensed. There are a growing number of newspapers in the country and limited but increasing internet access. The government has recently shown greater willingness to engage with independent media in organized events like presidential press conferences, where critical questions are freely entertained, and radio call-in shows, where the president and his ministers respond to critical comments and questions from average citizens.

Religious freedom is generally respected. Clerics were among both the victims and the perpetrators of the 1994 genocide. The implication of several Catholic clergymen in the genocide has complicated relations between the government and the Roman Catholic Church. Academic freedom is generally respected.

Although the constitution codifies freedoms of association and assembly, in reality these rights are limited. NGOs have complained that registration and reporting procedures are excessively time-consuming and onerous, and activities that the government defines as “divisive” are prohibited. In 2004, the Parliament accepted the recommendations of a parliamentary commission created to investigate the existence and spread of a “genocide ideology” in Rwanda. As a result, the Parliament advised the government to ban five NGOs and several religious groups and also called for action against several international NGOs operating in the country. International human rights organizations, such as Human Rights Watch and Amnesty International, expressed serious concern that these decisions were based on overly broad interpretations of the law, vague allegations, and insubstantial research. The executive branch decided to refer cases to the court system for prosecution rather than ban the implicated organizations outright. Responding to the ban threat, several targeted organizations significantly muted their independent and sometimes critical attitudes toward the RPF. Nevertheless, most civil society organizations function without direct government interference, and a wide range of organizations focus on women’s and children’s rights, HIV/AIDS assistance, workers’ rights, human rights, professional interests, and economic development.

The constitution provides for the rights to form trade unions, engage in collective bargaining, and strike. According to the 2006 Annual Report of the International Confederation of Free Trade Unions, while the government appears to be trying to improve relations with trade unions, union activities cannot be carried out freely given legislative restrictions. For example, the list of “essential services,” in which strikes are not allowed, is excessively long. The largest union umbrella group, the Central Union of Rwandan Workers, was closely controlled by the previous regime but now has greater independence.

The judiciary has yet to secure its independence from the executive. However, new courts staffed with trained officials have been established, and much of the old legal code has been updated and revised to better respect human rights. Planned reforms aim to streamline the judicial process, train a competent corps of judges, and assert enhanced oversight over the prosecutorial function. While their behavior does not appear to reflect official policy, individual police officers sometimes use excessive force, and local officials periodically ignore due process protections. In late 2006, the Rwandan government reportedly fired more than 70 senior police officers for lack of discipline.

While those bearing the greatest responsibility for the genocide face trial in the regular courts, those facing lesser charges are being tried by *gacaca* courts, which are just beginning to adjudicate up to 700,000 cases after a nationwide “information-gathering” phase. Use of this traditional dispute-resolution mechanism for criminal cases has required massive training of *gacaca* officials. The *gacaca* process has raised some concerns about due process and the protection of the rights of the accused, and the start of these trials has raised anxiety levels among both suspects (who potentially face years in prison for genocide-related offenses) and victims (who may face threats from those in the community who seek to avoid punishment for themselves or friends and family).

The ICTR in Arusha, Tanzania, has moved ahead with its work in a deliberate fashion. The tribunal, established in 1997 and due to close in 2007, is composed of international jurists and is similar to that established in The Hague to deal with

genocide and crimes against humanity in the former Yugoslavia. In 2005, several major trials involving former senior government officials proceeded. Relations between Rwanda and the court in Arusha have been volatile in recent years, with Rwanda accusing the ICTR of incompetence and the court accusing Rwanda of refusing to cooperate in war crimes investigations involving its army. By late 2006, the ICTR had convicted 26 people and acquitted 5.

Equal treatment under the law is guaranteed, and legal protections against discrimination have increased in recent years. A national identity card is required when Rwandans wish to move within the country, but these are issued regularly. In previous years, there were cases of government officials forcing citizens to return to the districts listed on their identity cards, although this did not appear to be a problem in 2006.

Rwanda's new constitution, adopted in May 2003, requires women to occupy at least 30 percent of the seats in each chamber of Parliament. Rwanda has the highest percentage of women in national parliaments in the world, with 48.8 percent representation in the lower house. In December 2003, the Senate elected Aloysia Cyanzire as the first female chief justice of the Supreme Court. Women's rights to inherit land have been strengthened through legislation. In 2006 an international report found that Rwanda had made significant strides toward achieving an equal balance of girls and boys in primary school education and that special incentives exist to promote the advancement of girls in science-related study topics. Despite these improvements, ongoing de facto discrimination against women continues. Economic and social dislocation has forced women to take on many new roles, especially in the countryside.