

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	97
Land:	Rwanda
Kilde:	International Federation for Human Rights
Titel:	Steadfast in Protest. Annual Report 2011
Udgivet:	25. oktober 2011
Optaget på baggrundsmaterialet:	31. oktober 2011

RWANDA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2011

In Rwanda, while serious obstacles to freedom of expression and opinion marked the pre-election period, several journalists who denounced cases of human rights violations were subjected to acts of harassment in 2010. Freedom of association also remained restricted in many respects and a lawyer working to defend political opponents barred by the regime was the victim of judicial harassment.

Political context

In a context of tense security and severe repression against all forms of opposition, Mr. Paul Kagame was re-elected as President of the Republic on August 9, 2010 for a second seven-year term after ten years in power, obtaining 93% of the vote. The pre-election period was marked by a clear denial of freedom of expression and opinion with the systematic closure of independent news media and constant harassment against members of the opposition and journalists who were critical of the Government. On July 26, 2010, one week before the presidential election, the High Media Council, the State's press regulatory body, announced the suspension of thirty media bodies, and at the same time invited nineteen radio stations and 22 newspapers not affected by the suspension, since they fulfilled the criteria set out in the August 12, 2009 Law on the Media, to submit an operation permit application. On July 28, the same Council ordered the security forces to close down newspapers and radio stations that were found to be illegally operating¹.

In order to muzzle dissident voices, the authorities also continued to intimidate opponents, journalists and human rights defenders, accusing them of "revisionism", "genocide ideology" or "divisionism", with no regard for the real arguments. Despite an announcement made by the Government in April 2010 that it would re-examine Law No. 18/2008 relating to "repression of the crime of genocide ideology" adopted on July 23, 2008, it was on these grounds that the leaders of the two main opposition parties – the new United Democratic Forces party (*Forces démocratiques unifiées* - FDU-Inkingi) and the Social Party (*Parti Social* - PS-Imberakuri) – were barred from the election process².

1/ See International Freedom of Expression Exchange (IFEX) Press Release, August 18, 2010.

2/ Whilst the President of FDU-Inkingi was arrested and placed under judicial supervision, the leader of PS-Imberakuri was sentenced in February 2011 to four years in prison. Furthermore, the Vice-President of the Democratic Green Party was murdered in July 2010 and as of the end of April 2011, his murder remained unpunished.

Obstacles to freedom of association

In 2010-2011, the laws in force regarding the activities of non-profit-making organisations – Law No. 20/2000 of July 26, 2000 and Law No. 55/2008 of September 10, 2008 – continued to present obstacles to their activities. Indeed, these texts provide for two levels of registration for NGOs – on one hand with the local authorities, and on the other hand with the Minister of Justice – a procedure that can take up to one year and requiring an excessive number of documents to be transmitted to the administration. These texts also require decisions on NGO statutes to be approved by the Minister of Justice in order to be considered effective, that the legal representatives and their assistants must be subject to the same approval, and that “Government priorities” must be included in their missions³.

In this context, several attacks on freedom of association were noted in 2010. As an example, as of the end of April 2011, the Horizon Community Association (HOCA), which works to defend the rights of sexual minorities, in spite of several attempts, had still not obtained the approval that would enable it to exist legally⁴. In addition, international non governmental human rights organisations were the subject of criticism and slander in the pro-government press. The organisations Amnesty international, Human Rights Watch, the Commonwealth Human Rights Initiative, Reporters Without Borders (*Reporters sans frontières* – RSF) and the Committee for the Protection of Journalists (CPJ), in an article published on April 16, 2010 in the *New Times* newspaper, were termed as “human rights terrorists” for having condemned Law No. 18/2008⁵. More direct obstacles to the work of Human Rights Watch were also noted. On April 23, 2010, officials of the Directorate of Immigration rejected the application to renew the work visa of Ms. **Carina Tertsakian**, a Human Rights Watch researcher on Rwanda, forcing her to leave the country⁶.

Attacks and harassment against journalists who denounce human rights violations

In 2010, several journalists who denounced cases of human rights violations were the target of attacks and harassment. On April 13, 2010, the High Media Council decided to suspend the two main independent Kinyarwanda language weekly newspapers, *Umuseso* and *Umuwugizi*, for

3/ See International Centre for Non-Profit Law (ICNL).

4/ See Rwandan League for the Promotion and Defence of Human Rights (LIPRODHOR).

5/ See Amnesty International Report, *Safer to stay silent: The chilling effect of Rwanda's laws on 'genocide ideology' and 'sectarianism'*, August 31, 2010.

6/ See Human Rights Watch Press Release, August 2, 2011.

six months. Known for their criticism of President Paul Kagame and his administration on political issues or matters relating to human rights and to corruption, these two newspapers were accused of “inciting insubordination in the army and the police to the orders of their chiefs”, “publishing information that endangers public order”, “spreading rumours”, “defamation” and “invasion of privacy”. However, no specific article was cited in support of this sanction⁷. In addition, in the evening of June 24, 2010, **Mr. Jean Léonard Rugambage**, the Rwanda correspondent of the regional press freedom organisation Journalists in Danger (*Journalistes en danger* - JED) and Deputy Editor of *Umuwugizi*, was murdered when he was driving to his home in Kigali. Mr. Rugambage was the last *Umuwugizi* journalist still working in the country. Shortly beforehand, he had told his colleagues that he was being tailed and had received death threats. On the same day, Mr. Rugambage had stated in an online article that agents of the Rwandan intelligence services could be involved in the attempted murder of the former chief of staff of the Rwandan army, General Kayumba Nyamwasa, on June 19, 2010 in Johannesburg, South Africa. On June 28, 2010, the Minister of Internal Security announced that the day after the murder, two suspects whose identity was not revealed, had been arrested and that one of them had confessed to be guilty, explaining that it was an act of vengeance against the journalist, whom he held responsible for the death of his brother during the 1994 genocide. On October 29, 2010, the High Court of the Republic sentenced the two defendants to life imprisonment, which, according to the High Media Council in Kigali, removed all suspicion of the authorities’ involvement in the death of the journalist⁸. Furthermore, on July 8, 2010, Ms. **Agnès Uwimana Nkusi** and Ms. **Saidath Mukakibibi**, respectively the Editor and journalist with the privately owned bimonthly Kinyarwanda language newspaper *Umurabyo*, were arrested by the police and placed in provisional detention in Remera police station in Kigali for “inciting civil disobedience”, “insulting the Head of State”, “spreading false rumours” and “denying the Tutsi genocide” after publishing articles analysing and asking questions about several sensitive subjects such as the murder of the journalist Rugambage, government expenditure on the purchase of luxury jets, the attempted murder of General Nyamwasa and justice for the 1994 Hutu victims. On February 4, 2011, the High Court of the Republic found Ms. Agnès Uwimana Nkusi guilty of “threatening state security”, “genocide ideology”, “divisionism” and “defamation”, and Ms. Saidath Mukakibibi guilty of “threatening state security”, and sentenced them respectively to seventeen and seven years

7/ See LIPRODHOR and RSF Press Release, April 14, 2010.

8/ See LIPRODHOR and CPJ Press Release, June 29, 2010.

in prison⁹. Finally, on December 14, 2010, during a forum on human rights in Rwanda, General Richard Rutatina publicly accused Mr. **Nelson Gatsimbazi**, Editor of the bimonthly Kinyarwanda language newspaper *Umusingi*, of working with “enemies of the State” stating that he had received funding from abroad to spread “lies and rumours”. This accusation was made in response to a question asked by the journalist concerning the practise of prolonged pre-trial detention, referring in particular to the case of Lieutenant-Colonel Rugigana Ngabo, one of the brothers of former General Faustin Kayumba Nyamwasa¹⁰.

Judicial harassment against lawyers

In a particularly repressive and violent pre-election climate, lawyers defending political opponents barred by the regime, were also targets of harassment. As an example, on May 28, 2010, Professor **Peter Erlinder**, an American lawyer and President of the Association of Defence Lawyers (*Association des avocats de la défense* - ADAD) at the International Criminal Tribunal for Rwanda (ICTR), was arrested by the police for “genocide ideology”, “revisionism” and “denial of the Tutsi genocide”. Mr. Erlinder arrived in Kigali on May 23, 2010 to help in defending the leader of FDU-Inkingi, Ms. Victoire Ingabire Umuhoya, who was standing as presidential candidate in August 2010, and who was accused of “genocide ideology” and of “minimising the genocide”, as well as of “ethnic divisionism” and “collaboration with a terrorist organisation”. The arrest of Mr. Erlinder occurred three days after the American Government expressed concerns to the Rwandan authorities about “a series of disturbing events” that constituted attempts to restrict freedom of expression in the run-up to the presidential election on August 9, 2010¹¹. On June 7, the Kigali Court rejected the request to release Mr. Erlinder. On June 16, ICTR called for his immediate release on the principle of immunity as an associate of this body, since the charges against him related to his work at ICTR’s Arusha headquarters. On June 17, 2010, Mr. Erlinder was released on bail for health reasons, with permission to return to the United States, on the sole condition that he should leave an address with the Rwandan authorities so that he could be contacted if required¹².

9/ See Amnesty International Press Release, February 5, 2011.

10/ See CPJ Press Release, December 16, 2010.

11/ Furthermore, on April 30, 2010, he also filed a complaint for “death in suspicious circumstances”, on behalf of the two widows of the former Rwandan and Burundian Heads of State before a Federal Court in Oklahoma, USA, against Mr. Paul Kagame, accusing him of having ordered the destruction on April 6, 1994, of the aircraft aboard which were former President Habyarimana and his Burundian counterpart.

12/ See LIPRODHOR.