

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	59
Land:	Rwanda
Kilde:	U.S. Department of State
Titel:	"Country Reports on Human Rights Practices 2006"
Udgivet:	22. marts 2007
Optaget på baggrundsmaterialet:	22. marts 2007



Rwanda

Country Reports on Human Rights Practices - [2006](#)

Released by the Bureau of Democracy, Human Rights, and Labor
March 6, 2007

Rwanda is a constitutional republic dominated by a strong presidency. The population was 8.4 million. The 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. Some armed rebel groups from the country continued to operate with impunity in the Democratic Republic of the Congo (DRC). Unlike in the previous year, there were no reports that Rwanda Defense Forces (RDF) troops were at times present in the eastern part of the DRC. The Democratic Forces for the Liberation of Rwanda (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 there were fewer disciplinary problems with security forces than in the previous year, there were instances in which government authorities did not maintain effective control of the security forces and security forces acted independently of government authority.

Significant human rights abuses occurred, although there were important improvements in some areas. Limits on political party activities continued to restrict citizens' rights to peacefully change their government. There were reports that security forces committed extrajudicial killings and tortured and abused suspects with impunity. Prison and detention center conditions remained harsh despite positive measures taken by the government. Security forces arbitrarily arrested and detained persons, including street children and other "vagrants," and members of Jehovah's Witnesses. Prolonged pretrial detention, limits on judicial independence, unfair public trials, and the holding of former political figures--including former President Pasteur Bizimungu--remained problems. There continued to be limits on freedom of speech, press, and association. Government corruption and restrictions on civil society remained problematic. In addition, societal violence and discrimination against women, trafficking in persons, child labor, and restrictions on labor rights continued to be problems.

The government took significant steps during the year to address human rights deficiencies and institute reforms. For example, the government formed a unit in the National Police to investigate citizens' reports of official abuse and corruption, and police authorities fired more than 70 police officers on various counts of indiscipline. The judiciary demonstrated increased independence in its growing willingness to rule against the executive branch, its release of some political prisoners, and in its use of the Judicial Council to conduct investigations into judicial corruption.

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, police officers and local defense forces (LDF) allegedly committed several unlawful killings during the year, and there were credible allegations of extrajudicial killings by police, some of which were still under investigation at year's end. The government regularly investigated killings committed by police officers and members of the LDF, and reports generally indicated that the LDF members accused of killings were arrested and charged.

On December 21, 2005, military police in Kigali killed at least three RDF soldiers and wounded between eight and 20 others who were being held in the Mulindi military prison; authorities did not publicly acknowledge the incident until mid-February. The prisoners had reportedly complained of ill treatment and harsh conditions in the overcrowded prison, which, according to Amnesty International (AI), held more than 2,000 prisoners despite an official capacity of 1,000 (see section 1.c.). Although its findings were later contradicted by two other investigations, an investigation by military prosecutors found that, following an attempt by prison officials to investigate marijuana trafficking at the prison, physical altercations resulted between guards and prisoners, and prisoners locked themselves inside the facility. As military police scaled the prison walls to regain control of the facility, prisoners attempted to disarm them. Military police used firearms to repel the prisoners and bring them under control. Although acknowledging that authorities had "mishandled" a prisoner during the drug trafficking investigation, the military prosecutor's office found that there had been an appropriate use of force by the military police in confronting violent prisoners and recommended that none of

the military police or guards be prosecuted.

However, according to an investigation conducted by the National Human Rights Commission (NHRC), military police officers involved in the killings had committed a "violation of the right to life," and the NHRC recommended that military leadership and the public prosecutor's office pursue legal proceedings against those responsible. Senators also expressed concern about the killings and requested information from the ministers of justice and interior. According to AI's sources, police surrounded a prison courtyard that prisoners had locked; prisoners were reportedly protesting an assault by prison guards on a prisoner who had consumed cannabis. After prisoners refused to unlock the courtyard, military police fired on the prisoners with Kalashnikovs and machine guns, killing at least three and seriously wounding 20 others. Calling for an independent investigation, AI reported that if its sources were correct, actions by the military police would constitute excessive use of force and extrajudicial executions.

According to local media, on December 31, 2005, police arrested Saidi Hakizimana, a Rastafarian for smoking marijuana at a concert. Police detained Hakizimana at Ramera police station in Kigali, where he was allegedly beaten. Hakizimana's condition worsened while in police detention and he later died in a Kigali hospital of unknown causes while still in police custody. The police denied allegations of misconduct but had not released the results of a police investigation into the matter by year's end.

On November 24, police officers took into custody and subsequently killed three men--Jean Hakizamungu, John Rukundo, and Francois Ndagijimana--who were suspects in the November 23 killing of Egide Ndagakuranye, the president of one of the local jurisdictions comprising a community-based justice system (gacaca), in Rwamagana District, Eastern Province. Deputy Police Commissioner Mary Gahonzire stated that, according to an investigation by an internal police investigatory agency, police killed the suspects in self-defense while they were attempting to escape. However, after conducting numerous interviews with local residents, Human Rights Watch (HRW) called the investigation inadequate and said police may have committed extrajudicial killings.

According to HRW, during a December 15 interview Gahonzire said that while in custody, one of the three suspects, Rukundo, confessed to killing Ndagakuranye with the other two suspects. The three suspects then offered to show police officers where other persons were hiding to "escape justice" and avoid appearing before gacaca jurisdictions. While being escorted to this supposed destination, Rukundo grabbed the weapon of one of the police officers and threatened one or more of the other officers, who then shot all three suspects. According to HRW, Gahonzire, who referred several times to a document before her during the interview, said the incident happened in broad daylight but could not provide more details on the time or exact location. She said the three suspects outnumbered the police officers but could not say how many officers there were or provide information on the kind of weapons involved or the number of shots fired, according to HRW.

HRW said that the information it collected from local residents did not support the official police investigation findings. According to a local resident, at dusk on November 24 a police pick-up truck carrying the three suspects parked on a little-used road, and an armed police officer in the back stood up as the three men exited the vehicle next to a thick clump of bamboo. A short time later, numerous residents heard at least three shots in close succession, and some residents subsequently saw the occupants of the truck retrieve the bodies before the truck headed toward Rwamagana (police officers reportedly did not visit relatives of the victims to inform them of the deaths or explain how they had died). HRW concluded that the reported location of the bullet entry wounds (each one in the front or side of the head or neck) and the proximity of the killings to each other seemed inconsistent with a situation in which officers were responding in self defense to escaping prisoners.

The case of the LDF member accused of killing a suspect in November 2005 in Cyangugu Province, Gitambi Sector was being heard in the High Court at year's end.

In January a military court sentenced Corporal Gapira Ndengeye to 15 years in prison for killing a prostitute and her two daughters in December 2005, in Butare. The military prosecutor has appealed, seeking a longer sentence.

Two LDF members arrested and charged in 2005 with the 2004 killing of Jean Baptiste Nsekanabo were on trial at year's end.

Unlike in the previous year, there were no reports from UN entities that the government continued to maintain a "residual presence" in the DRC or that the government continued to provide military support to insurgent proxy groups in the DRC that reportedly committed killings and other human rights abuses.

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 Sebuho, both convicted of two 1998 murders by a military court in 2003, had reached the Supreme Court by year's end.

According to reports, during the year unidentified individuals killed several 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 (see section 1.e.). According to genocide survivor organizations, individuals killed between 12 and 20 genocide survivors during the year.

HRW reported that, according to witnesses, in late November Innocent Habinshuti, who was released from prison in 2003 pending trial before a gacaca jurisdiction, killed genocide survivor Frederic Murasira, the nephew of a gacaca judge, with a machete in Ngoma District in the east. Genocide survivors from a nearby town then killed eight individuals, including children, in reprisal (the town in which the reprisal killings occurred was reportedly inhabited by a sizable number of persons awaiting trial for genocide-related crimes). By year's end police had arrested one suspect for the killing of Murasira and detained several others for the reprisal killings.

The government investigated and prosecuted individuals accused of threatening or killing genocide witnesses. At year's end police were investigating 210 cases. A group of genocide survivors criticized the government for not doing enough (see section 1.e.). In December the president chaired a National Dialogue on Unity and Reconciliation, which included local government officials and members of the three branches of the national government. The meeting participants addressed the killings of genocide survivors, and the president and minister of internal security directed local officials to take increased responsibility for genocide survivors. The meeting outlined new security measures to be undertaken, including the use of enhanced surveillance of genocide survivors who were deemed most at risk and surveillance of genocide suspects considered most likely to commit violent attacks; increased joint patrols in rural areas by survivors and security personnel; the possible use of preventive detention of genocide suspects to prevent attacks deemed imminent by security officials; the expansion of hotlines by both the Gacaca Service and the Prosecutor General's Protective Service for Witnesses and Survivors; and expedited gacaca hearings for those cases deemed most likely to involve the risk of violence against survivors and witnesses.

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

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. 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

There were no reports of politically motivated disappearances within the country, and unlike in the previous year, there were no reports that a government official threatened a staff member of an international nongovernmental organization (NGO) while it was investigating the disappearance of individuals.

During the year a military court sentenced Jean Leonard Kagabo to five years' imprisonment for attempted desertion; Kagabo, an RDF captain, disappeared for at least two months after police arrested him on charges of attempted desertion in 2004.

Government officials continued to claim that they were unaware of the case of Jean Damascene Tuyizere, who disappeared after security forces arrested and questioned him for several days in 2004 in Gisenyi Province.

Regarding the cases 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 the four men were arrested in 2004, remained out on bail, and that criminal proceedings were ongoing at year's end. By year's end these statements had not been verified, and the whereabouts of the four men had not been confirmed.

There were no developments in the 2003 disappearances of two prominent citizens and four high-level government officials, including former supreme court vice-president Lieutenant Colonel Cyiza and former parliamentarian Leonard Hitimana, a member of the Democratic Republican Movement (MDR); the MDR had been a part of the multi-party government but had become increasingly critical of it prior to the parliament's recommendation to ban the MDR in 2003--shortly before Hitimana disappeared--and the party's subsequent dissolution. Unlike in the previous year, there were no reports that the family and friends who have been supporting the children of Hitimana were harassed.

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

The constitution and law prohibit torture; however, local media reported allegations of torture by the LDF during the year and a local NGO providing assistance to victims of torture reported that it received between 180 and 240 clients during the year, although an undetermined number of these victims may have been tortured in previous years. In addition police on occasion abused suspects and detainees. During the year there were fewer reports of police officers abusing suspects at the time of arrest, and authorities dismissed or disciplined some police officers for excessive use of force.

According to the New Times, on November 7, the LDF allegedly tortured a 17-year-old boy accused of theft in Muhanga District, Southern Province. District residents said the LDF had been involved in "many cases of torturing residents" in the area, and the district's mayor had reportedly warned the LDF in October over their lack of discipline.

There were no developments in the alleged torture of former parliamentarian and MDR party member Jean Leonard Kavutse. According to AI, Kavutse told a court in 2005 that he had only confessed to charges of sectarianism after having been tortured. The government denied this allegation during the year and said that no torture claims were made during the trial. In April 2005 a court sentenced Kavutse to three years in prison (including a suspended prison sentence of two years), and authorities released him in the same month after giving him credit for time served.

During the year the Senate investigated reports of secret detention centers allegedly run by security officials, and questioned the ministers of justice and internal security in an open session. During a February hearing senators cited repeated NHRC reports (dating back to 2002) about the existence of government-run secret detention centers; the ministers claimed they were unaware of such centers. Police officials denied the existence of any secret detention centers.

According to HRW, in January Kigali municipal officials who had just taken office learned of the existence of a government-run unofficial detention center in the Gikondo neighborhood of Kigali. On May 14 HRW reported that authorities continued to use the center to illegally hold hundreds of street children and other "vagrants" in "deplorable conditions," usually incommunicado, without charging them. According to HRW, in late March a Kigali police spokesman acknowledged the center's existence and told domestic human rights activists it had been used for more than a year; he said the two large buildings, one of which was a former warehouse, were officially meant to be a "transit center" in which persons were detained for no more than three days before authorities transported them back to their home districts. (Several thousand persons were so transported.) However, authorities and former detainees reportedly told HRW that some detainees spent weeks or months in the center before being released without any judicial procedure. Detainees were subject to beatings, guards raped women, and on April 13 a 13-year-old boy died there of severe malnutrition, according to accusations investigated by HRW. Detainees reportedly were not separated by gender or age; received inadequate food, water, and medical care; and often slept on the floor without blankets. Shortly after the HRW report was published, authorities closed the Gikondo center, and it remained empty at year's end. There were no reports of any officials being sanctioned for running the center. City authorities said there were no plans to open another center.

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

There were reports that unknown assailants on occasion harassed and threatened journalists and citizens (see sections 2.a., 2.c., and 4).

Unlike in the previous year, there were no credible reports that the government provided military supplies to combatants in the eastern DRC who committed numerous, serious human rights abuses.

Mob violence during the year resulted in injuries (see section 1.d.).

Prison and Detention Center Conditions

Prison and detention center conditions were below international standards and were harsh. The government remained committed to improving prison and detention center conditions. However, due to the large number of individuals newly accused of genocide since gacaca hearings began nationwide in July, the prison population rose 18 percent in five months, worsening the severe overcrowding problem.

The government estimated that there were more than 82,000 prisoners in the country's 16 central prisons (compared to 67,000 in 2005), including approximately 66,000 accused of genocide-related crimes and approximately 16,000 detained on criminal charges unrelated to the genocide. Sanitary conditions in prisons and detention centers were poor but improving at the beginning of the year; however, the rapid increase in the prison population beginning in August negated the prior improvements, and prison conditions were worse at year's end. The government continued to improve prison healthcare but was unable to provide adequate medical treatment. Although it did not provide food to prisoners in smaller jails, the government provided food to those in prisons, but it was not sufficient, and family members supplemented food provisions. The International Committee of the Red Cross (ICRC) no longer assisted the government by providing a percentage of food in the 16 main prisons; however, the government increased its food budget to replace the ICRC contribution. In police stations, the government did not feed detainees awaiting hearings or transfers. Police regularly told the victims of crimes that if they did not provide food to the accused, then the accused would be released. In other cases, prisoners transferred from police jails to national prisons had not been fed for several days. The ICRC provided additional expertise and medical, logistical, and material support to improve conditions for inmates.

There were an undetermined number of deaths in prison during the year, largely the result of preventable diseases and suspected cases of HIV/AIDS. The government began an HIV/AIDS counseling and treatment program in three prisons.

According to HRW, police and LDF abused individuals detained illegally in an unofficial facility; security personnel reportedly raped women, and adult detainees abused children (see section 1.d.).

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 genocide-related crimes, and prisoners may work (uncompensated) on community projects such as building roads and bridges (see section 6.c.). Prisoners charged with criminal offenses unrelated to the genocide were not eligible to volunteer for work details. Prisoners often volunteered for such details, which provided time away from overcrowded prisons, and in some cases extra privileges. During the year authorities relieved a prison director of his duties and were investigating him for illegally hiring out prisoners for private work.

In August 2005 the government released all minors who had been detained for genocide-related crimes in a provisional prisoner release. The 740 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; 13 of 16 prisons no longer housed minors and adults together, and work was underway to build facilities at the remaining three prisons for minors. 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 (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 (Cyangugu Prison), living conditions for women were better than those for men. Female prisoners were fewer in number and were housed in their own block with separate beds. (Male prisoners often shared large sleeping platforms.)

The government generally permitted independent monitoring of prison conditions, and the ICRC, diplomats, and journalists usually had access to the prisons. The ICRC continued its visits to communal jails and military-supervised jails. After some delays, authorities granted a domestic human rights NGO, the Rwandan League for the Promotion and Defense of Human Rights (LIPRODOHR), access to prisons, and the NGO released a report in May. No information was available regarding the report's content.

d. Arbitrary Arrest or Detention

The constitution and law provided legal safeguards against arbitrary arrest and detention; however, in many instances, security forces arrested and detained persons arbitrarily and without due process. Some police officers were disciplined and dismissed for such activities.

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. During the year there were reports of corruption, arbitrary arrest, and lack of discipline within the police force, and the police's office of internal affairs investigated and addressed many of them. For example, in October authorities fired more than 70 police officers on various counts of indiscipline, including the solicitation of bribes, unlawfully beating persons, and absconding from duty.

During the year the police and senators investigated reports of police abuse, and senators questioned the ministers of national security and justice about "several arbitrary arrests and illegal detentions in various parts of the country," which had been raised as concerns by the NHRC (see section 1.c.). One senator accused the ministers, who had been summoned to the hearing, of being evasive, and he criticized as improper and unlawful the police's continued practice of arbitrarily re-arresting and detaining persons acquitted by courts of law. The senator also criticized the government for being "secretive," failing to make its activities known to the public, and failing to hold regular press briefings, particularly in regard to human rights abuses by police.

The government enforced ill-defined laws against vagrancy and illegal street vending. On several occasions police and the LDF detained street children, vendors, and beggars in Kigali, Butare, and other larger towns, charging them with illegal street vending or "vagrancy." For example, in early July, according to the New Times, police in Butare arrested

more than 30 persons--including many street children--on charges of being idle, and a police spokesperson said police would continue to make similar arrests. The police claimed to be responding to local citizens' complaints that undocumented nonresidents were contributing to an increase in insecurity, petty crime, and gender violence. Authorities reportedly released adults after they produced identification, and authorities took street children to government centers or NGO-sponsored shelters (see section 5). During the year the Commission of the European Union expressed concern over the government's illegal detention of street children.

An HRW report released in May profiled an unofficial government-run detention warehouse where police and LDF members illegally held up to 600 vagrants at a time; the report underlined the police's common practice of arbitrarily arresting and detaining street children and other vagrants, highlighted allegations of authorities abusing and raping individuals detained in the warehouse, and called on the government to respect due process rights (see section 1.c.).

During the year, although efforts were taken to professionalize the national police, there were some cases of beatings of suspects by police. The prosecutor general's office under the Ministry of Justice was responsible for prosecuting police abuse cases. A special internal affairs office that reported directly to the national police commissioner general conducted investigations. There were 15 internal investigations referred to the courts by internal affairs at year's end. Several cases remained under investigation by the police. The National Police advertised a toll free number in the local radio and written press encouraging citizens to report problems regarding police and the LDF.

During the year there were instances of mob justice, due in part to a lack of police presence in most villages. For example, in Rukumberi District, local citizens attacked and killed eight individuals after a gacaca judge was killed. It was later determined that none of the eight victims were involved in the killing (see section 1.a.). In another case, in September police arrested five persons, including a member of the LDF, for severely beating a 15-year-old accused of stealing clothes. There was no additional information on this case.

Members of local communities chose community volunteers to serve in the LDF, a statutorily established law enforcement organization of approximately 20,000 members under the Ministry of Local Government that assisted police. The national police exercised tactical control of the LDF while local appointed and elected officials had responsibility for operational oversight. LDF members performed basic security guard duties throughout the country, including maintaining a presence at gacaca proceedings. LDF members were ordinarily unpaid and received less training than the national police. They did not have powers of arrest, but in practice they made arrests on orders from local administrative officers and on their own. Among its various duties, the LDF chased illegal street vendors, petty criminals, and prostitutes away from public areas. There were reports that the LDF acted with impunity when dealing with street vendors. 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 warrant before arresting a suspect. Police may detain persons for up to 72 hours without a warrant, and prosecutors must bring formal charges within 10 days of arrest. However, these provisions were often disregarded during the year. At times police used extrajudicial punishment when minor criminals confessed and the victims agreed to the police officer's recommended penalty, such as week-long detention or restitution. The law permits investigative detention if authorities believe that public safety is threatened or that the accused might flee. There is bail for minor crimes (with a maximum sentence of five years); 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. Family members generally were promptly allowed to visit detained relatives; however, there were several reports that police used incommunicado detention during the year, and according to HRW police maintained one unofficial detention center in Gikondo, where police detained some suspects, including children, for up to four months. 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 250 total, most of them in Kigali). 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.

During the year security forces sometimes used arbitrary arrest and detention.

Several members of Jehovah's Witnesses were arbitrarily arrested and detained by local authorities when their beliefs conflicted with national laws requiring community service. In 2005 a few judges ruled that the laws did not in fact require participation in nighttime security patrols, and that police effectively had no legal authority to arrest or detain persons for not participating in the patrols (see section 2.c.).

At year's end approximately 66,000 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,

including the detention of persons whose unresolved cases dated from 1994, was a serious problem and a consequence of the large number of persons suspected of committing genocide who continued to be held in prisons and detention centers. The government did not have the capacity to process cases within a reasonable time. On July 15, gacaca trials began nationwide. 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.

By year's end, the number of criminal and civil cases pending in the regular courts had been reduced from 77,000 to approximately 17,000, according to the Ministry of Justice. This reduction resulted from several factors, including culling of old and inactive cases, the substitution of single judge proceedings in the place of three-judge panels for all levels of trial courts, the establishment of monthly case completion targets for all courts, and streamlined case management practices.

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

Approximately 1,000 of the 22,000 prisoners conditionally released by the government in August 2005 were re-arrested and returned to prison after being accused of additional crimes in gacaca. The government did not release or grant amnesty to prisoners during the year.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary; however, there were constraints on judicial independence. There were some credible reports of government interference, mostly regarding gacaca cases. In addition, ministers in the executive branch continued to play important roles in defining the judicial budget. However, the judiciary made significant progress toward increased independence during the year by assuming more control over the judicial budget and providing continued training for new judges. Members of the national bar association who were interviewed said they believed that the judiciary was more independent during the year than in 2005, citing the increased willingness of judges to rule against the government and a higher standard of judicial training and education.

The judiciary operated in most cases without government interference, and there were no reports of direct pressure on judges; however, some members of the executive branch said they still thought that calling judges to discuss ongoing cases privately and express executive preferences was appropriate. In a few cases viewed as politically sensitive, including those dealing with "genocide ideology" (the promotion of the tenets of genocide), "divisionism," and the killing of genocide survivors, indirect public pressure may have influenced the judiciary. While judges appeared to be more assertive in ruling against the executive, problems remained.

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.

After the government implemented a nationwide redistricting plan in January, the legal system was closed from January to April to align court jurisdictions with the newly established government administrative territories. The four-month suspension resulted in a temporary increase in crime and complications for police as there was no legal apparatus to process accused criminals. However, after the reorganization, the Ministry of Justice and Courts significantly reduced the backlog of criminal and civil cases (see section 1.d.).

The government did not always have the capacity to enforce the law, and due process protections were sometimes not respected. However, during the year there were cases in which judges ruled against senior political figures and government bodies. In addition the Justice Ministry continued to implement reforms and prioritized efforts to reduce the backlog of genocide-related and non-genocide cases. Several judges were dismissed during the year for abuse of office or corruption after investigations by the judicial council, a body charged with oversight and discipline of the judicial branch.

An ombudsman was mandated to conduct investigations into judicial corruption; by year's end the ombudsman's office had conducted four such investigations and referred them to the prosecutor general's office.

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

During the year there were reports of government officials influencing gacaca judges.

Trial Procedures

In the regular court system, 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, some appeals cases were subject to lengthy delays. Most trials were public, and, in the regular court system, defendants had the right to question witnesses used against them and present witnesses and evidence on their own behalf, although this right was sometimes limited. By year's end there were approximately 250 lawyers and 259 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.

During the year there were trials in the regular courts that did not meet internationally accepted standards due to factors such as the lack of defense counsel for many accused persons, and in one high-profile appeals case--that of former president Bizimungu and former transport minister Charles Ntakirutinka--the Supreme Court based its verdicts of guilt on a previous trial widely criticized by observers for its lack of compelling evidence and limits on the right to cross-examine witnesses and to present witnesses.

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. Military courts provided defendants with an attorney at public expense, and defendants have the right of appeal and had access to government-held evidence relevant to their cases. The law stipulates that civilians who were accomplices of soldiers accused of crimes be tried in military court. Military courts tried several dozen civilians during the year.

On July 15 the gacaca courts transitioned from the pilot phase to nationwide hearings in order to resolve the enormous genocide caseload. Gacaca officials set the end of 2008 as the deadline for completing all gacaca hearings. Of genocide-related cases, less than 10 percent involved suspects in category I--those accused of the most severe genocide crimes--and were to be tried in conventional courts. The majority of individuals charged with genocide-related crimes have been classified as categories II or III, and their cases were handled by the gacaca system, either tried in gacaca courts (category II cases) or settled through gacaca mediation (category III cases). Between 2002, when the first gacaca courts began operating, and year's end, approximately 51,000 genocide-related cases had been completed in gacaca courts.

Gacaca courts served as the government's primary judicial process for adjudicating hundreds of thousands of genocide cases. The government's stated goal for gacaca was to assure that those who participated in the genocide were brought to trial, furthering the ends of justice and ending impunity. 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.

Lawyers were not permitted to participate officially in gacaca but could testify as private citizens. There were 169,442 gacaca judges (seven 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.

During the year an increased number of gacaca judges were implicated in the genocide and subsequently replaced. There were reports that some government officials unduly influenced gacaca judges during the course of some hearings.

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. The registration procedure for observing gacaca trials made it time-consuming for human rights groups to monitor the trials, which were public.

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.). Furthermore, poorly qualified or trained judges and ill-defined guidelines on evidence and hearsay were problems. During the year there reports that local gacaca officials and citizens abused the process to pursue personal matters and settle grudges unrelated to the genocide, including making false accusations in order to acquire land.

For example, according to the New Times, a senator and a local district mayor accused both local leaders and gacaca judges in Gicumbi District, Northern Province, of engaging in corruption, including the transfer of bribe money, related to gacaca trials. The governor of the Northern Province urged local leaders not to attempt to influence the outcomes of gacaca trials.

According to local human rights groups, during the pilot phase, which ended in June, interference by government officials at all levels of gacaca was a major problem, and gacaca law did not provide sufficiently for fair and impartial justice. According to Lawyers without Borders the courts that were operating under the original pilot phase, which continued operating after the nationwide expansion of gacaca, had obtained an appreciably higher level of performance, compared to their opening efforts, by year's end.

The gacaca law provides for reduced sentences including community service, for cooperation, and credit for time served. However, many of the accused have been held since 1994.

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. The government countered that RPF abuses have been addressed by requisite civil and military authorities, and that such abuses could not be equated with the genocide. During the year military courts did not hear any cases relating to abuses allegedly committed by the RPF during or shortly after the 1994 genocide.

Although the great majority of gacaca hearings are held without incident, there were 328 incidents of violence involving gacaca trials during the year, and threats against genocide witnesses 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. Early in the year the government established a task force to review the situation of genocide survivors. Despite these efforts, however, unidentified individuals killed between 12 and 20 genocide survivors and injured 32 in attacks during the year (see section 1.a.).

During the year the government continued to conduct criminal investigations of organized groups that targeted and killed genocide witnesses in certain provinces. Criminal investigations resulted in the prosecution of some persons.

According to the Ministry of the Interior, at year's end conventional courts were handling the cases of hundreds of persons accused of participating in the assassination of witnesses, survivors, and judges. During the year, the police processed 215 cases involving the charge of genocide ideology, and 172 cases of divisionism. Nearly all cases involved gacaca proceedings; persons accused of attacking or abusing genocide survivors or witnesses to genocide were charged with genocide ideology or divisionism as well as with substantive criminal offenses such as attempted murder or assault.

IBUKA, an umbrella association for genocide survivors, criticized the government during the year for not doing enough to prevent the killings of genocide witnesses, saying the lack of adequate action encouraged additional killings. IBUKA also criticized the government for not having provided a report promised by the prime minister in early 2004 about the situation of genocide survivors and gacaca witnesses; it also called for increased cooperation between gacaca courts, police, conventional courts, and mediators.

In December the president presided over a meeting that addressed the killings of genocide survivors (see section 1.a.).

Some citizens were still too frightened to testify in gacaca courts. However, while thousands of citizens left for Burundi, preliminary reports indicating that their movement was partly due to fears of gacaca appeared to have been overstated, and the large majority did not claim fear of gacaca as their reason for leaving the country, according to the Office of the UN High Commissioner for Refugees (UNHCR) (see section 2.d.). Nevertheless there were reports of more than 20 suicides among genocide survivors.

Near the end of 2005, gacaca officials reported that 69 persons accused of genocide-related crimes had committed suicide during the year out of fear of appearing before a gacaca court. Although gacaca officials reportedly continued to monitor suicides by genocide suspects during the year, no additional information was available by year's end.

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, by year's end over 300,000 individuals had confessed to genocide-related crimes since the law was implemented in 1996. According to gacaca officials, 90 percent of the prison population had confessed to some category of genocide crime. Their testimony may implicate up to one 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 700,000 and 1 million citizens, one-eighth of the country's total population.

The government continued to implement a 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. During the year there were continuing concerns among observers and analysts over what was believed to be a sizable number of cases where persons had provided false testimony, despite the penalties for providing such testimony. In 2005, many detained genocide suspects reportedly told a human rights 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 those convicted of genocide from entering certain professions; however, the codes of ethics for certain professions, including that of teachers, doctors, lawyers, and civil servants, did not allow convicted criminals to enter those professions.

During the year the National Unity and Reconciliation Commission (NURC) postponed until April 2007 the release of a survey on gacaca (relating to the status of unity and reconciliation in the country) that had been scheduled for June.

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

Political Prisoners and Detainees

There were some short-term political detainees during the year. HRW reported that local officials briefly detained some individuals who disagreed publicly with government decisions or policies. Such individuals were usually not charged and released after a day in detention.

Former president Bizimungu and one of his co-defendants, former transport minister Ntakirutinka, remained in prison after a court convicted them of three counts--incitement of civil disobedience, formation of a criminal association, and embezzlement of public funds--in a 2004 trial that did not meet international standards. In March the Supreme Court upheld the sentences of 15 years for Bizimungu and 10 years for Ntakirutinka and reversed the lower court's not-guilty verdict on the charge of plotting against the government using violence; however, the court ruled in favor of the appeals of the six co-defendants in the case, who were immediately released. Prior to their arrest in 2002, Bizimungu and Ntakirutinka had sought to establish the Party for Democratic Renewal, a new opposition party; authorities claimed Bizimungu had used inflammatory rhetoric based on ethnicity, considered divisionism. The government permitted the ICRC access to Bizimungu and Ntakirutinka.

During the year local human rights NGOs criticized the trial privately, saying the verdicts of guilt were politically motivated, resulting from Bizimungu's intended candidacy for the 2003 presidential election, and illustrated the Supreme Court's lack of independence. HRW also criticized the ruling that the Supreme Court upheld for Bizimungu and Ntakirutinka, stating that the lower court had committed "egregious errors" in 2004 and that evidence presented by the prosecution was weak and contradictory. HRW added that the lower court had limited the defendants' rights to present a legal defense and refused to allow them to cross-examine the prosecution's witnesses and to call other witnesses.

In May authorities arrested Colonel Patrick Karegeya, former RDF spokesman and head of the National Security Services, and charged him with insubordination. Several weeks after his arrest, authorities also charged him with desertion. A military tribunal found him guilty in June and sentenced him to 18 months in prison. The defining evidence in the trial was the testimony by the RDF chief of general staff that Karegeya refused a direct order to report for duty. Local media reported that the army prevented friends and relatives from seeing Karegeya after his conviction, although authorities denied such reports. In April 2005, authorities arrested Karegeya and detained him incommunicado for six months reportedly for "indiscipline," although authorities never charged him before releasing him in late September 2005.

Pierre Gakwandi and Kavutse, both former members of the MDR, were released from prison after completing their jail terms, Gakwandi in January, and Kavutse in April 2005 (see section 1.c.). Following the 2003 arbitrary arrest and detention of Gakwandi, then secretary general of the MDR, a court convicted and sentenced him to four years in prison.

Civil Judicial Procedures and Remedies

There are mechanisms for citizens to file lawsuits in civil matters including violations of their constitutional rights. There continued to be problems enforcing domestic court orders; however, unlike in the previous year, there were no reported instances of authorities refusing to release prisoners despite orders to do so.

Property Restitution

There were reports that property restitution was denied to individuals who had not gone through the gacaca process.

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

The constitution and law prohibit such practices, and authorities generally respected these prohibitions; however, there were some reports that the government monitored homes and telephone calls.

Between 1997 and the end of 2001, more than 600,000 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.

Unlike in the previous year there were no reports that residents in one province were refused land rights unless they provided a *gacaca* certificate attesting that they were not implicated in the genocide.

Due in part to the insurgency in the late 1990s, government policy requires male citizens above the age of 18 to participate in night watch patrols. During the year the government sometimes arrested, detained, and allegedly beat individuals who refused to participate (see section 2.c.).

The UNHCR reported one instance of suspected recruitment of children for forced labor or child soldiering from a Rwandan camp for Congolese refugees by a DRC-based armed group (see section 2.d.).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for freedom of speech and of the press "in conditions prescribed by the law"; however, the government at times restricted these rights in practice by enforcing overly broad and vaguely defined laws. International press freedom NGOs reported instances in which the government harassed, convicted, fined, and intimidated independent journalists who expressed views that were deemed critical of the government on sensitive topics, or who were believed to have violated journalistic standards monitored by a not-wholly independent media regulatory council. Some journalists practiced self-censorship.

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. Individuals could criticize the government publicly and privately on most topics; however, a law prohibiting the promotion of ethnic divisionism and genocide ideology continued to discourage citizens from expressing viewpoints unacceptable to the government on sensitive subjects, such as criticism that might be considered to "attack the dignity of a high authority" and statements that might be considered to promote societal divisions. During the year the expression of such viewpoints sometimes resulted in the imprisonment, harassment, or intimidation of citizens by government authorities. For example, on October 6, a court sentenced Father Jean-Marie Vianney Uwizeyeyezu, a Catholic priest who headed a parish in southern Rwanda, to 12 years in prison for "having downplayed the [1994] genocide." Authorities arrested and detained Uwizeyeyezu in May after he allegedly quoted several traditional sayings during mass that were interpreted as a negation or denial of the genocide, which is prohibited by law. Unions reportedly told the International Trade Union Confederation (ITUC) that the government continued to pressure them not to express opinions publicly.

During the year there were positive and negative signs regarding the ongoing development of an independent domestic media and press freedom. Some international human rights NGOs perceived deterioration in certain areas of press freedom and freedom of speech; however, some domestic journalists said there was more press freedom during the year. Although there were still considerable constraints on press freedom, some Rwanda observers said the domestic press corps was more outspoken in its criticism of the government on many topics. A number of domestic journalists spoke out freely against the government, and articles critical of the government appeared regularly. The number of publications reportedly increased and the government issued new radio licenses; however, few domestic radio stations broadcast hard news programs, and there continued to be a lack of trained journalists. Other observers said they perceived a lack of trust between the media and the government, noting that government criticism of the domestic media during the year may have illustrated residual concerns about the media stemming in part from the role the media played in provoking the 1994 genocide.

There were both privately and government-owned newspapers, published in English, French, and Kinyarwanda. The *New Times*, an English-language paper with close ties to the government, whose shareholders reportedly included senior government officials, was the only newspaper published daily. There were 37 newspapers, journals, and other publications registered with the government. The country's independent newspapers—including *Newsline*, *Umuseso*, *Umuko* (published twice each month), and the sporadically published *Umuwugizi*--regularly maintained positions contrary to or critical of the government, although such criticism was usually limited to less sensitive topics, such as issues of local government and health. The *New Times* also criticized government policies and officials. Unlike in 2005, there were no reports that officials seized newspaper editions; however, some journalists said government officials pressured government institutions to withhold advertising from independent newspapers.

The law authorizes private radio and TV broadcasting, subject to the approval of the government; although some have complained that the licensing fees remained prohibitively high. Although the government authorized the licensing of private TV stations, it owned and operated the country's only TV station. In addition to Radio Rwanda, which was owned and operated by the government, there were nine independent FM radio stations broadcasting during the year, focused primarily on music. Foreign media groups, including Voice of America (VOA), BBC, and Deutsche Welle broadcast in Kigali throughout the year and were among the few stations in the country that regularly broadcast independent news. The government allowed radio stations to broadcast increased criticism of its policies during the year, including through the use of popular citizen call-in shows featuring criticism of the government on certain topics

such as local government, health, and other less sensitive issues. However, the government forced a foreign radio station to shut down as part of a severing of diplomatic relations with France.

On several occasions the government restricted the operations of international media, particularly foreign news organs that disseminated views critical of the government. During a January 26 government-sponsored conference two days after President Kagame criticized the media and accused some journalists of engaging in defamation and extortion, the head of Radio Rwanda accused two VOA and BBC correspondents of "treason." The country's police spokesman said their "ideology must be reviewed" due to excessive coverage of negative press freedom assessments by international human rights groups. On June 8, the government did not renew the visa of a Radio France Internationale (RFI) reporter, but indicated it would accept a new reporter. International press freedom advocacy groups such as New York-based Committee to Protect Journalists (CPJ) criticized the government's action; CPJ said it was "a grim reminder of the difficulties that many journalists face" in the country. In August, the government reauthorized VOA broadcasts, despite having criticized VOA for what it called VOA's unbalanced reporting of Rwandan politics. In November, after a French judge implicated President Kagame in the assassination of former President Habyarimana, the government broke off diplomatic links with the government of France. As a result, all official French organizations in country, including RFI were ordered closed in country.

During the year the government continued to closely monitor the press, and police occasionally summoned journalists for questioning after critical articles were published in the independent press. Unlike in 2005, authorities did not arrest a journalist. Journalists had to abide by overly broad laws that governed the media. In April, the President publicly admonished authorities not to harass journalists and to investigate any such reports. However, according to local media, a police spokesperson reportedly threatened Radio Contact and said he would summon the station manager for broadcasting "false information" after the station broadcast allegations that police had beaten and killed Hakizimana (see section 1.a.). It was unknown whether police had summoned the station manager by year's end.

On July 28, after imprisoning him for nearly 11 months (including eight months for contempt of court for questioning the impartiality of a gacaca judge), authorities released Jean-Leonard Rugambage, an Umuco journalist who was arrested in September 2005 for alleged involvement in the 1994 genocide, due to a lack of evidence and procedural abuses in his case. The Gacaca Service executive secretary noted that the genocide-related charges should not have been filed by the local officials because there was no evidence to support them; the executive secretary, who reviewed the case, said that another court had already acquitted Rugambage of the same charges prior to his arrest in 2005. CPJ said they believed authorities had used "abusive procedures designed to punish him for critical reporting." CPJ and other human rights groups called on the government to sanction any gacaca officials found guilty of abuses; by year's end, authorities had not sanctioned any gacaca officials connected with the case.

On August 3, the police summoned Bonaventure Bizumuremyi, chief editor of Umuco to appear before the police and the High Press Council in connection with articles deemed potentially libelous in the July 26 edition of Umuco. Instead of responding to the summons, Bizumuremyi, who claimed to have received anonymous threats after the articles were published, went into hiding and fled the country while police sought him; Bizumuremyi said he did not respond to the summons because he was given only one hour to do so, a lawyer was not available, and he was afraid to go to court alone. In his absence, the council ruled that the four articles were "unethical" and needed correcting. By August 10, when Bizumuremyi published a letter of apology for unintentionally insulting President Kagame, the council's president said the matter had been settled. Bizumuremyi returned to Rwanda in November and resumed his editorial position.

The High Press Council, which reports to the office of the president and has four government representatives among its nine members, occasionally requested clarification from journalists on articles that potentially violated the media law or criminal libel statutes. Some domestic and international press freedom advocates continued to criticize the High Press Council for lacking independence and focusing its energy and resources on monitoring the country's journalists while failing to defend journalists' rights or to investigate possible infringements of press freedom.

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.

In some cases journalists were harassed and threatened by unidentified individuals. For example, on January 15 four unidentified armed men forcibly entered the house of Umuco editor Bizumuremyi. The men reportedly told him to stop criticizing the government after Umuco had published an article critical of the ruling party. The men reportedly left abruptly without harming Bizumuremyi when neighbors intervened. Police said they would conduct an investigation, but by year's end there were no reports of any arrests in connection with the incident.

In August Bosco Gasasira, the editor of Umuvugizi, told international press freedom advocacy group Reporters without Borders (RSF) that he had received anonymous telephone threats and believed he was under constant surveillance by military intelligence agents. Gasasira's allegations followed the publication of an article in which he criticized the country's economy and finance minister for "influence trafficking" and trying to control the country's economy.

On August 14, unidentified persons in Kigali attacked and beat a journalist's brother, Olivier Tibasumba. Tibasumba's sister, Lucie Umukundwa, a VOA stringer and head of the country's VOA office, reported that she had received threats and, following the beating of her brother, left the country fearing for her safety. One of the assailants reportedly told

Tibasumba to tell his sister to "stop interfering with our work." The High Council of the Press conducted lengthy interviews with the stringer and her brother and provided information to the police. By year's end Umukundwa remained outside the country and a police investigation had not resulted in any arrests.

Unlike in 2005, authorities did not seize any publications.

According to some of the country's journalists, government officials pressured some government institutions to withhold advertising from independent newspapers. According to Freedom House, the government continued to influence the printed press through its purchase of advertising space, upon which many private publications were financially dependent; government agencies generally did not advertise in independent newspapers. RSF reported in August that during the year only three newspapers—the New Times, Umuvugizi, and Focus—received advertising revenues from government entities and companies linked to the ruling party. 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. However, local journalists say explicitly that it is done to avoid expensive publishing costs in Rwanda.

The government continued to use a media law that imposes criminal sanctions on the media for libel and other forms of defamation to suppress criticism and limit press freedom. In July the country's highest court upheld a lower court's 2005 decision to sanction Umuseso editor Charles Kabonero with a suspended sentence of a year in prison (which Kabonero had already served during the appeals process) and a fine of approximately \$1,900 (one million Rwandan francs) in damages and court fees for "public insult." The defamation charge resulted from a series of analytical articles published in 2004 that criticized the deputy speaker of parliament and the government, and from Kabonero's refusal to publish a "correction" and reveal his sources.

Unlike in previous years, the government did not cite national security as grounds to suppress views that were unrelated to security issues but politically embarrassing or objectionable. Press freedom advocates attributed tensions between the government and the media to the government's reluctance or incapacity to share information. The government attributed tensions to journalists' lack of experience and professionalism.

Internet Freedom

There were no government restrictions on the Internet or reports that the government monitored email or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Internet cafes were common and used regularly in the largest towns but the Internet was generally unavailable to the majority of people living in rural areas.

Academic Freedom and Cultural Events

The government did not restrict academic freedom or cultural events. Unlike in the previous year, there were no reports of authorities arresting, detaining, or suspending students on accusations of engaging in genocide ideology. By year's end authorities had released from detention all of the 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.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution and law provide 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. There were no reports that authorities prohibited nighttime meetings, although some groups avoided nighttime meetings to avoid possible disruption.

In September the governor of the Eastern Province reportedly cancelled a march planned by local citizens to protest the acquittal of a genocide suspect by the International Criminal Tribunal for Rwanda, citing concerns that the march might become violent.

Unlike in the previous year, there were no reports that the government prevented Landnet, an umbrella group of NGOs, from meeting, or that other civil society organizations were discouraged from meeting due to the government's actions (see section 4).

The government continued to limit the type of locations where religious groups could assemble, at times citing municipal zoning regulations as the reason. Unlike the previous year, there was no national ban on the building of structures for the meetings and worship services of Jehovah's Witnesses; however, there were still local government officials who prevented the new construction of Kingdom Halls (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.

To obtain a provisional six-month approval, domestic NGOs must present their objectives, plan of action, and financial information to local authorities of every district in which the organizations intended to work. After obtaining provisional agreement, domestic NGOs must apply for registration (legal recognition) each year under the authority of the Ministry of Justice. If a local NGO is initially denied registration, the NGO sometimes must renew its registration documents. These requirements made registration extremely difficult for some organizations. Domestic NGOs were required to submit financial and activity reports each year to the national government.

The government also requires international organizations to register each year, and to obtain yearly provisional authorization from the local governments of every district in which the organizations intend to work, followed by final authorization from the requisite ministry. This requirement made registration difficult for some organizations. In addition, the government requires international organizations to submit yearly reports with the relevant local governments and national level ministries. The paperwork involved was burdensome.

According to a report released in 2005 by Frontline - International Foundation for the Protection of Human Rights Defenders, local and international NGOs are required to give "all data and documents concerning [their] activities" within one month of a request by "the concerned authorities."

Consistent with its antidivisionism policy of not acknowledging individual ethnic groups, the government did not recognize the Batwa as an "indigenous group." However, it recognized and conducted joint health and education projects with the Community of Indigenous Peoples of Rwanda (CAURWA), a Batwa advocacy organization (see section 5).

The constitution provides for a multiparty system of government and for the free operation of political organizations; however, the government restricted political party activities, and all political organizations were constitutionally obliged to join the Forum for Political Organizations, an organization designed to define and regulate party behavior and enhance interparty communication and coordination (see section 3). During the year there were no reported efforts to form a political party opposed to the government, and there were no reports of the government denying parties registration. The MDR remained inactive during the year as a result of a May 2003 recommendation by parliament to ban the MDR shortly before presidential and legislative elections. 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. There were no signs during the year that the MDR would reconstitute itself or that authorities would allow it to do so.

Former MDR members denied reports that the government continued to harass them.

c. Freedom of Religion

The constitution provides for freedom of religion and the government generally respected this right in practice; however, there were some exceptions. The government failed to prevent local authorities and security forces from arresting, detaining, beating, or harassing more than 50 Jehovah's Witnesses, although there were fewer reports of such abuses than in the previous year.

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."

During the year a foreign pastor reported difficulties registering his church, and there were reports that some religious organizations operated without legal recognition because the registration process was arduous, which government officials confirmed. Members of unregistered groups were vulnerable to censorship and possible detention. The government did not deny any new applications during the year; however, the government continued the 2003 suspension of two local splinter organizations, the United Methodist Church of Rwanda, led by Jupa Kaberuka, and the International Union Methodist Community, led by Louis Bwanakweli. Both attempted to register as the primary Methodist group in the country and claimed to be the regional representative of the World Methodist Church.

The government continued to suspend the registration of two Pentecostal churches led by foreign pastors, and one of the pastors left the country during the year. The suspension began in 2004 presumably because of immigration irregularities allegedly engaged in by the pastor, and due to an ongoing dispute over the naming of his church.

There were reports of police beating, detaining, and arresting members of Jehovah's Witnesses because they refused--due to religious beliefs--to participate in nighttime security patrols and sing the national anthem. In May, prison guards beat two members of Jehovah's Witnesses, who were detained for two weeks in Huye District and released without

charge.

In May a local government official, the executive secretary of Kirehe-Kigaramwe Sector (Kibungo District), severely beat a member of Jehovah's Witnesses who authorities detained for three weeks before releasing him on May 30. The government reported that the individual was detained for unlawful financial practices and not because of his status as a member of Jehovah's Witnesses; it was not clear if authorities ever charged the man. The government reported that it investigated the executive secretary for administering the beating and temporarily detained him; however, authorities later released him without charge.

According to the Jehovah's Witnesses' Office of General Counsel in New York, between February and May, authorities in the Kibungo Province imprisoned 48 members of Jehovah's Witnesses for not participating in night patrols. At year's end three remained in prison. The Office of General Counsel also reported that two members of Jehovah's Witnesses were detained, released and fined for not participating in the national anthem.

All but 11 of the 93 members of Jehovah's Witnesses imprisoned or detained in 2005 for failure to participate in night patrols were released without charge; their detentions, during which police beat 12 individuals, usually lasted between two days and three months. The 11 whose cases went to court were sentenced from three to six months in prison. Another member of Jehovah's Witnesses who did not participate in the night patrols was accused of rebellion, sentenced to six months in prison, and released on January 14.

In 2005 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, at year's end three members of Jehovah's Witnesses remained in prison.

There were no reports that authorities closed a Jehovah's Witnesses Kingdom Hall and dispersed worshippers; however, the government did not allow new Kingdom Halls or churches to be built.

In October a court sentenced a Catholic priest to 12 years in prison for comments made during a Mass in May that were interpreted as a negation of the 1994 genocide, which is against the law (see section 2.a.).

The government continued to require religious groups to hold services at their established places of worship and to ban the use of private homes for this purpose. Some small religious groups that met in private homes were forced to move to new locations.

Government officials presiding over wedding ceremonies generally required couples to take an oath while touching the national flag, a practice that Jehovah's Witnesses object to on religious grounds. This practice made it difficult for church members to marry as they had to find officials willing to perform the ceremony without the flag requirement. In March, two couples in Bugarsera District were denied marriage certificates due to their refusal to take the marriage oath while touching the national flag. In addition, authorities in Kigali-Muhima denied a couple marriage certificates in a public ceremony for refusing to take the oath with the flag.

According to church officials, six primary student children of Jehovah's Witnesses were suspended from school for refusing to attend Christian services. Active engagement by local Jehovah's Witnesses leaders with government officials resulted in the resolution of the issue and the readmission of the students.

During the year the government and Jehovah's Witnesses authorities continued to address problems and misunderstandings through a collaborative mechanism begun in 2005. Jehovah's Witnesses leaders reported a better relationship between their church and the government during the year.

On January 1 the government consolidated the country's territorial administrative structure into four provinces, 30 districts, and 416 sectors. The subsequent change in leadership at the district and sector levels required the leadership of religious denominations to deal with new officials. During the year Jehovah's Witnesses said that ministerial-level decisions regarding the church were positive, but church leadership reported a lack of communication between the national government and some local leaders.

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

In April authorities released and dropped the charges against the eight members of a dissident Catholic congregation ("Mouvement Marial") in Gisenyi Province who were accused of "subversive activities" and arrested in February 2004.

Unlike in the previous year, none of the groups cited by parliament in its 2004 report on genocide ideology reported difficulties approaching local authorities about concerns or topics that could be construed as "sensitive."

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 [2006 International Religious Freedom Report](#).

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

The constitution and law provide for these rights, and the government generally respected them in practice. Unlike in the previous year, there were no reports that the government refused to provide refugee or asylum-seeker protections.

The law prohibits forced exile, and the government did not use forced exile; however, some individuals remained in--or secretly left the country to live in--self-imposed exile because they believed their lives were in danger (see sections 2.a. and 4).

From late 2005 to February more than 19,000 Rwandans crossed into Burundi and requested asylum. The government of Burundi and the UNHCR determined that less than 3 percent qualified for refugee status, and the UNHCR began transporting the denied applicants back to Rwanda. During the year, more than 17,000 asylum seekers returned to the country from Burundi. There were no reports that these repatriates were mistreated upon their return. The UNHCR reported that at year's end there were 48,400 Rwandan refugees and about 4,700 asylum seekers in 23 other African countries, including 521 refugees and 2,320 asylum seekers in Burundi.

In June the government of Tanzania expelled approximately 800 Rwandan nationals from Tanzania. The Rwandans had been living in western Tanzania for up to 40 years and accused the Tanzanian government of using harsh expulsion methods including rape, beatings, and the theft of cattle and other property. The government of Tanzania claimed that the Rwandans had not applied for refugee status and declared them "illegal immigrants." In September the governments of Tanzania and Rwanda formed a high level commission to address the issue; however, the Tanzanian government again began to expel Rwandan nationals (some of whom were naturalized Tanzanians) during the same month, with approximately 200 persons arriving at the Rwandan border each day. Between March and year's end, the Tanzanian government expelled more than 13,000 Rwandans, most of whom were settled in their districts of origin. The government worked with UNHCR and other aid organizations to assist the returnees who were resettled. Government mediators handled land disputes resulting from the large number of returnees.

The government continued to accept former combatants who returned to the country from the DRC as part of the ongoing peace process between the two countries. A total of 6,123 former combatants from armed groups in the DRC had been demobilized and peacefully resettled in Rwanda since the beginning of the disarmament, demobilization, and reintegration program in 2001. During the year, 1,234 RDF soldiers, 575 adult former combatants from armed groups, and 58 children were demobilized. With international support, the government's Demobilization and Reintegration Commission, the lead government agency for the reinsertion of returned former combatants, placed such persons in a two-month re-education program at demobilization and reintegration centers in the Northern Province. There also was a center solely for former child combatants (see section 5) in the Eastern Province. After the two-month re-education period, each adult former combatant was given approximately \$90 (50,000 Rwandan francs) and allowed to return to his village. Returnees who were accused of committing genocide 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. The government granted refugee status and asylum during the year. Unlike in the previous year, there were no reports that the government pressured the government of Burundi to forcefully repatriate Rwandan asylum seekers, sent soldiers to Burundi to repatriate them, or denied the UNHCR access to returning asylum seekers.

Unlike in the previous year, there were no reports that the government declared Burundian asylum seekers in Rwanda "illegal immigrants." The UNHCR continued to assist refugees and asylum seekers and provided temporary protection to 47,170 persons, the vast majority of whom were refugees from the DRC. The government generally cooperated with

the UNHCR.

During the year there was one report of a DRC-based armed group recruiting between 20 and 30 children from a Rwandan refugee camp to be used as combatants or forced laborers. The government responded to the alleged incident by sending counselors from the National Demobilization and Reintegration Committee to the camp to educate the refugee population on the dangers of child soldiering.

Unlike in the previous year, there were no reports that the RDF was involved in the recruitment by Congo-based militias of children from Rwandan refugee camps for use as soldiers.

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

The constitution and law provide for the right of citizens to change their government peacefully; however, this right was effectively restricted.

Elections and Political Participation

In 2003 President Paul Kagame won a landslide victory against two independent presidential candidates, receiving 95 percent of the vote. In legislative elections the same year, President Kagame's political party, the RPF, won the majority of the seats in the Chamber of Deputies and Senate. International election observers, representing both foreign governments and NGOs, noted that the country's first post genocide elections, though peaceful, were marred by numerous serious irregularities--including ballot stuffing, "guarded" polling booths, and irregular ballot counting in at least two of the 12 provinces--and fraud. 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.

Between February and March the country held three phases of non-partisan local elections. In district, sector, and cell elections, the law prohibits candidates from making any reference to their political party while campaigning, and the elections held at these three levels during the year were conducted on a non-partisan basis, although some observers believed that voters were generally well aware of candidates' party affiliation. During elections at the lowest level (the cell), voters cast their votes by lining up behind candidates rather than by secret ballot; government officials said they used the line-up voting system due to significant resource constraints and the expense of providing ballots and ballot boxes. There were no reports of intimidation or of security forces pressuring citizens to vote for particular candidates, but some observers expressed concerns, noting that citizens had criticized the line-up voting system when it was first used in 1999 because it made voters susceptible to influence and possible repercussions due their votes. In elections for key district officials, voters used the secret ballot, while other elections were indirect.

Candidates in the district level elections were legally required to have a minimum education level to stand for election. All the local elections generally were conducted efficiently and peacefully, and although there were some organizational problems and confusion among voters, voter participation rates were high, according to officials. In February the pro-government newspaper the New Times published at least six articles containing allegations of coercion of voters, a few claims of fraud from losing candidates, and other irregularities, as well as criticism from the National Electoral Commission's chairman of unprofessional conduct by election volunteers and observers. In addition, HRW said that observers reported "numerous irregularities, including stuffing of ballot boxes and intimidation of candidates." The National Election Commission investigated allegations of irregularities, reportedly intervened to correct some during the elections, and said that "despite the irregularities, the elections were free and fair." Although the elections were non-partisan, there were many cases of last-minute withdrawal of candidates, which led to considerable speculation that some candidates were favored by authorities and others actively discouraged from running.

An African Peer Review Mechanism (APRM) country report released during the year by the New Partnership for Africa's Development (NEPAD), a mandated initiative of the African Union (AU), recommended that the country's electoral commission respect the constitutional principle of a secret ballot in local elections to protect citizens from the likelihood of intimidation and other undemocratic practices. The report also recommended that the government provide the electoral commission with more resources to undertake a needed renovation and modernization of the voters' register, to discharge its duties effectively, and to shield it from various sources of influence. The report noted that "the government faces an uncomfortable dilemma - how to promote political pluralism in a country where political parties have in the past been organized along two main ethnic lines." It stated that the country had made some positive trends but had to increase its efforts in areas such as political pluralism.

The RPF continued to dominate the parliament and the political arena. According to the Bertelsmann Transformation Index 2006, which was released during the year and analyzed what it perceived as several countries' political strengths and weaknesses, the "hegemonic role of the RPF" and the weakness of the party system is partly due to the "successive abolition" of important parties and the fact that "political parties do not differ in terms of proposed policy" but reflect regional divisions.

Seven other political parties were represented in the Chamber of Deputies and the Senate; however, most chose to associate themselves with the RPF rather than assert independent positions. In accordance with the constitution, which states that "a political organization holding the majority of seats in the Chamber of Deputies may not exceed 50 percent of all the members of the Cabinet," members of other political parties held key positions in government and parliament, including that of the prime minister and the speaker of the Chamber of Deputies. In the Chamber of Deputies, 13 of the 53 directly elected members belonged to parties other than the RPF. All political parties represented in parliament held regular meetings, and were authorized to recruit new members and stand for election, although recruitment meetings below the provincial level are not legally allowed.

The Senate regularly called ministers and other government officials to testify in oversight hearings to examine use of ministry budgets, performance of personnel, and program efforts.

The constitution provides for a multiparty system but provides few protections for parties and their candidates. According to the AU's APRM report, the country had made significant progress toward political pluralism, but parties were still "not able to operate freely" and faced legal sanctions if accused of engaging in divisive acts. The report also noted that the constitutional freedom to form, join, and belong to political parties is undermined by onerous conditions and other constitutional provisions, including one that prohibits parties from operating at the district, sector, and cell levels. The MDR, which by 2003 had become increasingly critical of government policies while holding positions in the transitional government, remained inactive during the year, which at least one local NGO said was a result of the May 2003 recommendation by parliament to ban the MDR shortly before national elections (see section 2.b.). Furthermore the government's continuing campaign against divisionism, and its holding of political detainees and prisoners (including former president Bizimungu), including the occasional use by local officials of illegal detention against those critical of the government, discouraged open debate or criticism of the government or its policies (see sections 1.d., 1.e., 2.a., 2.b, 2.c. and 4).

All political organizations were constitutionally required to join the Forum for Political Organizations, which continued to limit competitive political pluralism, according to the AU's APRM report. 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.

Unlike in the previous year, there were no reports of any increase in the number of senior political officials implicated in the 1994 genocide, and no members of parliament were pressured to resign during the year.

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 the September 2003 legislative elections. At year's end there were eight 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 member of the Batwa ethnic group in the 26-seat Senate but none in the Chamber of Deputies.

Government Corruption and Transparency

Corruption of government officials was a problem. During the year the government prosecuted several corrupt officials, including two ministerial secretaries general. According to Transparency International's (TI) 2006 Corruption Perceptions Index, corruption among the country's public officials was perceived by both resident and nonresident experts to be "rampant."

There were reports of authorities harassing journalists who reported on corruption in various government sectors (see section 2.a.).

The government's Office of the Ombudsman had an active good governance program and several anticorruption units that worked at the local level. Although the office does not have the authority to prosecute cases, it can recommend cases to the prosecutor general's office, and during the year the office pursued several 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. Unlike in the previous year, there were no high-level officials convicted of corruption. The inspector general of government worked to prevent corruption. The law provides for annual reporting of assets by public officials, but not public disclosure of those assets. During the year the legislature used the auditor general's annual report to examine the conduct of government business and guard against mismanagement and corruption.

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. There were no reports of the government denying a citizens' request for information; however, during the year some senators criticized the government for being "secretive," for failing to make its activities known to the public, and for failing to hold regular press briefings,

particularly in regard to the December 2005 killing of prisoners at the Mulindi Military Detention Facility and other alleged human rights abuses by security forces (see sections 1.a. and 1.d.).

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

A variety of independent international NGOs and more than six increasingly independent, domestic human rights groups operated in the country, and some of them investigated and published their findings. Some domestic NGOs said the government was intolerant of criticism and had a tendency to be suspicious of local and international human rights observers, often rejecting their criticism of its human rights practices as biased and uninformed. During the year some NGOs expressed fear of the government and self-censored their activities and comments, even during private meetings, and particularly regarding sensitive topics such as the appeals trial of former president Bizimungu (see section 1.e.).

Most domestic NGOs that dealt with at least some human rights issues conducted activities such as lobbying the legislature to provide more protection for vulnerable groups; facilitating dialogue on the death penalty; observing elections; raising awareness of human rights among youth; and providing explanations of legislation, legal advice, and advocacy. One local human rights NGO, LIPRODOHR, spotlighted human rights abuses; it employed some of its 600 members to conduct field investigations of alleged abuses, published its findings and discussed them with government officials--including on sensitive cases--and raised concerns about false accusations in gacaca trials. A few domestic NGOs produced publications regularly on general human rights issues.

There was a restricted atmosphere for the functioning of civil society due to the legacy of the genocide. In addition, government requirements made registration extremely difficult for some NGOs; during a discussion among domestic human rights groups on whether the government was trying to control civil society, NGOs noted several registration requirements, including a requirement that civil society groups provide reports on their activities to the Ministry of Local Government (see section 2.b.).

New York-based NGO Freedom House reported that because of the government's ongoing campaign against divisionism, human rights NGOs were generally reluctant to express critical views to avoid being accused by the government of engaging in divisive political activity and of opposing the government. However, police statistics indicated that the vast majority of prosecutions involving charges of divisionism concerned gacaca proceedings (see section 1.e.).

Many government officials said they believed that the proper role of civil society was to support the government, and that NGOs' work should be in accordance with national and local action plans. According to Freedom House, this belief that civil society should support the government was so widespread that in recent years some NGOs have even criticized fellow groups for being critical of the government.

The president of one domestic human rights NGO said the government was employing subtler and more complicated strategies than before in dealing with NGOs and cited the requirement that NGOs obtain authorization from the government for some projects before they can access funds provided by international donors. The NGO president said this requirement could result in further government restrictions on domestic NGOs' access to donor funds. According to Freedom House, the law on nonprofit associations gives government authorities the power to control projects, budgets, and hiring of personnel "so that NGOs will restrict themselves to supporting government efforts in development and service provision, not policy."

In January AI called on the government to "end the continuing harassment and intimidation of journalists and human rights defenders"; however, by May some domestic NGOs noted that relations with the government had generally improved and that consultations were positive between the government and civil society on a proposed bill reforming the regulation of NGOs. Nevertheless, several domestic NGOs said they were disappointed that civil society's recommendations had not been incorporated into the draft legislation and expressed deep concerns about the draft law.

On June 26, during a session of the UN Human Rights Council, the International Federation for Human Rights and the World Organization Against Torture, two international NGOs that work frequently with domestic NGOs in the country, alleged that the government used various legal restrictions to "control" NGOs.

Calls by human rights groups or opposition figures for investigations of alleged war crimes committed by the RPF met with government claims that such calls equated the genocide with abuses committed by RPF soldiers who stopped the genocide (see section 1.e.).

During the year LIPRODOHR said authorities denied it access to prisons.

In 2005 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 Senate had not yet released this report.

In 2004 the legislature released a report prepared by the Commission on Genocide Ideology about the allegedly widespread prevalence in the country of divisionism and genocide ideology. Some NGOs said during the year that the report continued to have a lingering impact in undermining the credibility of civil society, and according to Freedom House, the report "had a chilling effect on independent voices, compounding the self-censorship already prevalent among human rights defenders and others." 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 by freezing its assets, threatening its dissolution, and forcing its alignment with government policy. Although not officially dissolved, LIPRODOHR was essentially not operating for approximately half of 2005, and many of the NGO's key members who fled the country claimed that the group had been infiltrated by the government. Several key LIPRODHOR staff who left the country in 2005 continued to live abroad during the year and had reportedly sought asylum.

By the end of 2005, LIPRODHOR had rebuilt its organization, rebuilt its relationships with local government officials, and begun to travel throughout the country, conduct investigations, criticize the government, and seek redress for its clients. During the year LIPRODOHR was one of two domestic human rights NGOs that investigated violations by the government and engaged in discussion and lobbying with officials to address abuses. LIPRODOHR's caseload by year's end had nearly reached pre-2004 levels.

In response to the 2004 parliamentary report on genocide ideology, a group of pro-government domestic NGOs created an NGO "platform," or collective, in 2005 to manage the activities of NGOs. 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. In September UN Development Program and the NHRC inaugurated a framework for cooperation among human rights NGOs including a permanent secretariat, quarterly meetings of a guiding council, and biannual plenary sessions to discuss and address human rights issues.

The government's lead agency for human rights was the NHRC. The NHRC released annual human rights reports for 2004 and 2005. The 2005 report criticized government action in a number of areas including illegal detentions, police beatings, and prison conditions. However, the NHRC did not have adequate resources to investigate all reported cases of violations, and according to some observers, the NHRC remained biased towards the government in its investigations and reporting.

The ICTR continued to prosecute genocide suspects during the year. Since 1994 the ICTR has delivered 23 verdicts in 29 cases. At year's end, there were a total of 62 detainees in the court's seat in Tanzania: 25 on trial, 12 awaiting trial, 12 awaiting transfer, and seven pending appeal. 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. During the year the government expressed strong dissatisfaction with the ICTR's lack of response to its indictment on genocide charges of Callixte Gakwaya, the lead defense counsel for genocide suspect Yusuf Munyakasi; in September Gakwaya resigned.

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 continued taking steps to enforce the law more effectively. The government handled rape cases as priority within its courts and tribunals. 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 in 2005 classified 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 2,476 rape cases.

Prostitution, which is not legal, and trafficking in women for sexual exploitation remained problems (see section 5, Trafficking).

Women continued to face societal discrimination, but the government had 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 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 106,000 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 abolished in 2003, most parents still had to pay unofficial fees to support basic school operations. However, children were not dismissed from school for their parents' failure to pay such fees. A survivor's fund assisted with the secondary school fees for school-age genocide survivors.

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. 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, 46 percent reached the fifth grade. Children took entrance exams to enter secondary school, and 17 percent of secondary school-age children were enrolled in school during the year.

There were no statistics available on child abuse, however, it was a problem.

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. Unlike in the previous year, there were no reports that the government was recruiting children and training them to be combatants.

During the year there was one report that an armed group from the DRC recruited children from a Rwandan refugee camp for use as combatants or forced laborers (see section 2.d.).

The government continued to support a demobilization and reintegration program. During the year 58 children who had served as soldiers in the DRC received care and reintegration preparation from the Muhazi demobilization center for children in the Eastern Province.

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

There were approximately 7,000 street children throughout the country. Local authorities rounded up street children (see section 1.d.) and placed them in foster homes or government-run facilities. The Gitagata Center housed approximately 230 children, the majority of whom were rounded up by authorities in 2003. The government supported 12 "childcare institutions" across the country that provided shelter and basic needs for 2,950 street children.

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. There were reports that persons were trafficked from and within the country during the year.

The country was a source country for small numbers of women and children trafficked for sexual exploitation, domestic labor, and soldiering. The largest trafficking problem was underage prostitution; small numbers of impoverished girls, typically between the ages of 14 and 18, used prostitution as a means of survival, and some were exploited by loosely organized prostitution networks.

During the year there was a report of a DRC-based armed group recruiting and trafficking Congolese from refugee camps for use as forced laborers or child soldiers in the DRC (see sections 2.d.).

No traffickers were prosecuted during the year. The Rwanda National Police, under the Ministry of Internal Security, is the lead government agency responsible for combating trafficking of persons. While police reportedly conducted regular operations against prostitution, no statistics were available on prosecutions of those who utilized or exploited children in prostitution.

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 police offered specialized training in recognizing trafficking, particularly trafficking involving children, to many police cadets. The government also monitored immigration and emigration patterns, as well as border areas that were accessible by road.

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. In 2005 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). When the government dismantled prostitution rings, it offered women rehabilitation programs that 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. The constitution mandates that one member of the Chamber of Deputies be appointed by the Federation of the Associations of Persons with Disabilities.

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. 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 Pygmy tribes of the mountainous forest areas bordering the DRC and numbering approximately 33,000 (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. Some Batwa said their rights as an indigenous ethnic group were denied as a result of such government policies. The government recognized CAURWA, although it was not formally acknowledged as an organization supporting an "indigenous group." Despite the recognition of CAURWA and joint health and education projects with the government, 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 the Hutu dominated national army and armed youth militia called the Interahamwe. The genocide ended later the same year when the predominantly Tutsi Rwandan Patriotic Army, operating out of Uganda, occupied Rwandan territory, overthrew the Hutu-dominated 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 government eliminated all references to ethnicity in written and nonwritten official discourse, and there was no government policy of ethnic quotas for education, training, or government employment. The constitution provides for the eradication of ethnic, regional, and other divisions and the promotion of national unity. While some organizations and individuals continued to accuse 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, the government continued to deny this charge, and there was no evidence suggesting that the government practiced ethnic favoritism. University admissions demonstrated that a substantial majority of entering students were French-speaking.

Section 6 Worker Rights

a. The Right of Association

The law provides all salaried workers, except for 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, and the government's respect for union rights remained poor, according to the ITUC. The percentage of the total workforce, including agricultural workers, that was unionized was small. 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.

There were no restrictions on the right of association for non-civil servants; however, the law specifically excludes civil servants from organizing. 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. Unlike in previous years, the law no longer 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. According to the Central Union of Rwandan Workers (CESTRAR), employers frequently intimidated unionists through the use of transfers, demotions, and dismissals. 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 while the government respected this right in practice, some private sector employers did not and often harassed union members to discourage their activities. In addition, 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 CESTRAR had an established collective bargaining agreement with the government. In addition there were no instruments such as a national labor council to promote the law's application, and the government was heavily involved in the collective bargaining process since most union members were in the public sector.

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 some workers with the right to strike, but in practice this right was restricted. The law does not allow civil servants to strike. For workers who are allowed by law to strike, 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 were no demonstrations by union members during the year.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, and the government generally enforced this right; however, prisoners were assigned work details that generally involved uncompensated public maintenance duties. A 2001 presidential decree authorized gacaca courts to sentence convicts to perform community service; in addition, those suspected of committing genocide who confessed were given sentences involving community service.

There was one report indicating that an armed group based in the DRC recruited children in Rwanda (see section 2.d.).

Forced child labor occurred (see section 6.d.).

d. Prohibition of Child Labor and Minimum Age for Employment

While the law does not specifically prohibit forced or compulsory labor by children, there are laws to protect children from exploitation in the workplace; however, the government did not effectively enforce them, and child labor, including

forced prostitution, was prevalent. 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 by the minister of labor. 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--14 years for apprenticeships--provided that the child has completed primary school. The government indicated in August that approximately 300,000 children (approximately 10 percent of the country's four million children under 18) were engaged in child labor. However, a UN report released during the year suggested that child labor was more prevalent, indicating that 36 percent of children between the ages of five and 14 (approximately one million children) were engaged in child labor.

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 in the brick-making industry. Children received low wages, and abuse was common. In addition, child prostitution and trafficking were problems (see section 5). There was one report of a DRC-based armed group recruiting children to be used as combatants or forced laborers (see section 2.d.).

The government made efforts to improve its enforcement, but it did not have the capacity to effectively enforce laws restricting and regulating child labor; during the year there was an insufficient number of labor inspectors.

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. In addition, local government officials organized an awareness-raising campaign for employers, and the government imposed fines against those who illegally employed children or sent their children to work to the detriment of their education. The government continued to support 12 child labor inspector offices; 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 was no single minimum wage; minimum wages varied according to the nature of the job. The minimum wages for a worker in the formal economy did not provide a decent standard of living for a worker and his family, although it did provide a higher standard of living than that of the 85 percent of the population relying only on subsistence farming. In practice some 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. The same standards applied to migrant and foreign workers.