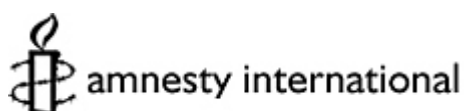


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Amnesty International Report 2010 - Rwanda

REPUBLIC OF RWANDA

Head of state: Paul Kagame
Head of government: Bernard Makuza
Death penalty: abolitionist for all crimes
Population: 10 million
Life expectancy: 49.7 years
Under-5 mortality (m/f): 167/143 per 1,000
Adult literacy: 64.9 per cent

The authorities tightly controlled political space in advance of the 2010 presidential elections and freedom of expression was unduly restricted by broad laws on genocide ideology. Human rights defenders continued to exercise self-censorship to avoid confrontations with the authorities. Conventional courts still fell short of fair trial standards despite continued improvements to Rwanda's justice system. Rwanda sought to address some failings within its criminal justice system which were cited by the International Criminal Tribunal for Rwanda (ICTR) when it refused to transfer cases in 2008. No country extradited genocide suspects to Rwanda.

Background

International donors, pleased with economic developments and Rwanda's rapprochement with the Democratic Republic of Congo (DRC), rarely raised human rights violations publicly.

Rwanda's relations with the DRC improved following a peace deal early in the year to end the rebellion by the Rwandan-backed National Congress for the Defence of the People (CNDP). In January, Rwanda joined Congolese government forces in a joint military offensive against the Democratic Liberation Forces of Rwanda (FDLR) in North-Kivu province. Military operations against the FDLR were strongly criticized from a human rights perspective (see DRC entry). The Netherlands and Sweden did not reinstate direct budgetary assistance which they had suspended in December 2008 following the release of a UN report demonstrating Rwandan support for the CNDP.

Rwanda joined the Commonwealth of Nations and restored diplomatic relations with France in November.

Freedom of expression

Freedom of expression remained severely restricted.

Journalists

In August, the government introduced a media law which placed undue restrictions on press freedom, including a requirement that Rwandan journalists possess a degree or certificate in journalism as a precondition to practising. Some journalists who were critical of the government continued to be excluded from government press conferences.

- On 25 April, the BBC Kinyarwanda service was suspended by the Rwandan government after it aired a trailer for a show discussing forgiveness after the 1994 genocide. The government argued, without basis, that the broadcast constituted genocide denial, which is a criminal offence in Rwanda. The advertisement included Faustin Twagiramungu, a former presidential candidate, opposing attempts to have all Hutus apologize for the genocide as not all had participated in it. The broadcast also contained an excerpt from a man of mixed ethnicity reflecting on why the government had not allowed relatives of those killed by the Rwandan Patriotic Front (RPF) to grieve. The BBC service was reinstated in June following negotiations between the BBC and the government.

Law on genocide ideology

The authorities used broadly defined genocide ideology laws to silence dissent, including criticisms of the ruling RPF party and demands for justice for RPF war crimes. As of August 2009, there were reportedly 912 people in prison (356 awaiting trial; 556 convicted and sentenced) on genocide ideology charges. Some cases resulted in acquittals, often following a period of prolonged pre-trial detention.

Although the law covers some acts that can constitute hate speech, it requires no link to any genocidal act and is extremely vague. For example, it penalizes people with a 10- to 25-year prison term for "dehumanizing" a group of people by "laughing at one's misfortune" or "stirring up ill feelings". It penalizes young children with sentences of up to 12 months at a rehabilitation centre, and those aged 12 to 18 with prison sentences of between five and twelve and a half years.

Human rights defenders

Human rights defenders continued to self-censor their work to avoid confrontations with the authorities. There were reports that some NGOs continued to be infiltrated by members of the ruling RPF party.

Freedom of association

The government actively impeded the registration of nascent opposition political parties. The Social Party Imberakuri was registered in August after several delays, but the Green Party still awaited its registration in late 2009 and had difficulty securing police clearance for meetings.

Prisoners of conscience

Charles Ntakirutinka, a former government minister, remained in Kigali Central Prison, serving a 10-year sentence due to end in 2012. He was convicted, in an unfair trial, of inciting civil disobedience and associating with criminal elements. His co-accused, former President Pasteur Bizimungu, was released by presidential pardon in 2007.

Justice system

Rwanda sought to address some of the failings within its criminal justice system, which were impugned by the ICTR when it refused to transfer cases to Rwanda in 2008. In May, Rwanda amended the 2007 transfer law, allowing witnesses residing abroad to testify by video link, deposition or before a judge sitting in a foreign jurisdiction. The amendment also provided for legal aid to indigent defendants transferred or extradited.

A special witness protection service for such cases was housed within the Supreme Court to respond to concerns that some defence witnesses would be averse to approaching the Witness and Victim Support Unit within the Prosecutor's Office.

A draft law clarifying the nature of "special provisions" attached to life sentences was pending approval at year's end. Abolition of the death penalty in 2007 led to the introduction of two types of life sentence: life imprisonment and life imprisonment with special provisions, which would be served in isolation. The draft law requires prisoners to be kept in individual cells for 20 years, raising concerns that some prisoners would be subjected to prolonged solitary confinement. Rwanda does not have the capacity to keep prisoners in individual cells. The draft law would allow prisoners to exercise and receive visits only from members of their immediate family. It violates the right to health in medical emergencies, as a convicted prisoner could not access medical treatment outside prison without the approval of three prison doctors.

As of October, there were 62,821 people in prison. Prison overcrowding continued to be a problem, despite a significant reduction in the prison population due to community service and annual prisoner releases.

Gacaca proceedings

Gacaca trials, whose procedures fail to meet international fair trial standards, were expedited with the objective of completing all outstanding cases by December. The 31 July deadline for new accusations before gacaca was extended in some areas. Some gacaca trials were reportedly marred by false accusations, corruption, and difficulties in calling defence witnesses. In December, with several appeals and revisions pending, the deadline to end gacaca was extended to the end of February 2010. After the closure of gacaca, new accusations were to be presented before conventional courts.

International justice

International Criminal Tribunal for Rwanda

The ICTR's mandate to finish all first-instance trials was extended to end of June 2010, according to UN Security Council Resolution 1901. The apprehension of two suspects indicted by the ICTR, Grégoire Ndahimana and Idelphonse Nizeyimana, and their transfer to Arusha from the DRC and Uganda respectively, marked growing regional co-operation between countries to support justice for the genocide.

Universal jurisdiction – Genocide suspects living abroad

Judicial proceedings against genocide suspects took place in many countries including Belgium, Canada, Finland and the USA. Extradition hearings against genocide suspects continued in Finland, Sweden and the UK. No country extradited genocide suspects to Rwanda for trial.

Due to concerns over the protection of defence witnesses and fears of executive interference with the judiciary, a UK High Court ruling overturned the UK's initial decision to extradite to Rwanda four Rwandans wanted on genocide charges. Finland ruled against extradition, deciding instead to try François Bazaramba under universal jurisdiction (see Finland entry). The court travelled to Rwanda to hear evidence from prosecution witnesses. Sweden was the first country to rule in favour of extradition, but

Sylvere Ahorugeze's extradition was halted pending an appeal at the European Court of Human Rights.

The Rwandan government reported that it had over 500 genocide suspects under investigation around the world. It also stated that some African countries had not co-operated with its investigations.

Impunity

War crimes and crimes against humanity committed by the RPF and the Rwandan Patriotic Army (RPA) before, during and after the genocide were not prosecuted. There were no new criminal investigations or prosecutions initiated against former RPA fighters accused of committing war crimes and crimes against humanity. The ICTR did not issue indictments against any RPF commanders implicated in such abuses. Neither did the ICTR recall the RPF file that was transferred to the government of Rwanda, resulting in the prosecution of two junior commanders. This was despite concerns that the trial, whose verdict was pronounced in October 2008, fell short of international fair trial standards and that those who directed the killings were not prosecuted.

Rights of lesbian, gay, bisexual and transgender people

In late December, the lower house of the Rwandan parliament rejected an amendment to the Penal Code, which would have criminalized same-sex relations and their promotion. Following significant pressure from Rwandan civil society and the diplomatic community, the Minister of Justice issued a public statement stating that homosexuality would not be criminalized, as sexual orientation was a private matter.

Refugees and asylum-seekers

The deadline for voluntary repatriation of Rwandan refugees from Uganda lapsed. This followed concerns raised that repatriation may not have been voluntary given that Uganda's assistance to Rwandan refugees was due to cease after 31 July, according to the voluntary repatriation agreement signed between the Rwandan government, the Ugandan government and the UN High Commissioner for Refugees on 22 April. Some refugees reported that they were stopped from cultivating their land. The ending of such assistance may have forced refugees who continued to have a well-founded fear of persecution in Rwanda to return there.

Amnesty International visits/report

- Amnesty International delegates visited Rwanda in September and October.
- Finland: Universal jurisdiction put into practice against suspect in Rwandan genocide (EUR/20/001/2009)

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