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Human Rights Watch

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Introduction

1. This submission outlines Human Rights Watch's concerns about the human rights situation in Rwanda since the country's 2015 Universal Periodic Review (UPR). Rwanda accepted 50 out of 229 recommendations of its 2015 UPR.¹ The government deemed the remaining recommendations—some calling for key reforms or investigations into, and accountability for serious rights violations—to have already been partially or fully implemented, or claimed, with a blanket statement, that they were “incompatible with [Rwanda's] domestic law and constitutional obligations” without further justification provided.²

2. Rwanda continues to promote gender equality, with a high representation of women in public institutions and initiatives to prevent and respond to violence against women. It is also one of the only countries in East Africa that does not criminalize consensual same-sex relations and sex work. In 2019, President Paul Kagame pardoned 367 women and girls who had been jailed for abortion and Rwanda's Penal Code, which was revised in 2018, now allows access to abortions in certain circumstances. Three provisions criminalizing defamation in the new Penal Code were repealed in 2019.³

3. However, independent media and civil society, after years of harassment and threats, remains weak, and political space is extremely limited. In recent years, several suspicious deaths and disappearances of real or perceived government critics have gone unpunished. The judiciary suffers from a lack of independence, especially in political or other sensitive cases. Since 2015, scores of detainees have been held arbitrarily in official and unofficial detention centers, where some have been tortured.

Freedom of Association and Expression

4. In 2015, the Rwandan government accepted four recommendations on freedom of expression and association.⁴ It considered 19 recommendations relating to civil society, political opposition and the media to be partially or fully implemented,⁵ and noted 23 others, including several calling for the protection of human rights defenders and amendments to the registration process for non-governmental organizations (NGOs).⁶ The government failed to uphold many of its commitments under the 2015 UPR, including recommendations it considered partially or fully implemented.

Political Space and Elections

5. After years of threats, intimidation, mysterious deaths, and high-profile prosecutions, few opposition parties remain active or make public comments on the ruling government's policies.

¹ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Rwanda*, U.N. Doc. A/HRC/31/8/Add.1 (March 10, 2016), para. 2.

² *Ibid*, para. 14.

³ Law no. 69/2019 of 08/11/2019 amending Law no. 68/2018 of 30/08/2018 determining offences and penalties in general, arts. 7, 9, 10, https://www.minijust.gov.rw/fileadmin/Documents/Official_Gazette-MOJ/2019_Official_Gazettes/C_O.G_n_Special_of_29-11-2019_Akagera_Code_Penal_Mod_Gufungura_Agategan_yo.pdf.

⁴ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Rwanda*, U.N. Doc. A/HRC/31/8 (December 18, 2015), recommendations 133.1, 133.30-32. All recommendation cites hereinafter are to this report.

⁵ Recommendations relating to civil society, political opposition and the media that Rwanda considers to be implemented: 134.36; 134.52-66. Recommendations relating to civil society, political opposition and the media that “reflect actions that have been or are being taken or are being implemented in Rwanda as part of Government policies and programs”: 134.19; 134.31; 134.67. For Rwanda's views on conclusions and/or recommendations, voluntary commitments and replies, see: United Nations Human Rights Council, *Addendum to the Report of the Working Group on the Universal Periodic Review: Rwanda*, A/HRC/31/8/Add.1, 10 March 2016, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/048/43/PDF/G1604843.pdf?OpenElement> (accessed March 9, 2020).

⁶ *Ibid*, Recommendations 135.17; 135.20-23; 135.45-62. The government claimed these were noted because they are incompatible with Rwanda's domestic law and constitutional obligations

6. In a referendum in December 2015, Rwandan citizens overwhelmingly voted in favor of constitutional amendments that allowed President Paul Kagame to run for three additional five-year terms. Very few voices inside the country publicly opposed the move.⁷ Kagame overwhelmingly won a third term in August 2017 with a reported 98.8 percent of the vote. Before and after the 2017 election, the government limited the ability of civil society groups, the media, international human rights organizations, and political opponents to function freely and independently or to criticize the government's policies and practices.

7. Opposition candidates reported experiencing harassment, threats, and intimidation ahead of the elections.⁸ Two would-be independent candidates, Diana Rwigara and Gilbert Mwenedata, said that they had fulfilled all eligibility requirements, but the National Electoral Commission did not register them, claiming that many of the signatures supporting their candidacy were invalid.⁹

8. Government authorities arrested, forcibly disappeared, or threatened political opponents in the weeks following the vote. Rwigara and her sister Anne and mother were arrested on September 23, 2017, days after Rwigara publicly criticized police actions and accusations against her, saying her family was being "persecuted for criticizing the government." Anne Rwigara was later released, and the charges against her dropped.¹⁰ Rwigara, her mother, Adeline Rwigara, were tried on charges including "inciting insurrection or trouble among the population".¹¹ On October 5, 2018, the High Court ordered their release on bail and they were acquitted of all charges on December 6, 2018.¹²

9. Victoire Ingabire, the former president of the unregistered opposition party FDU-Inkingi¹³, who was sentenced to 15 years for conspiracy to undermine the established government and denying the genocide after she tried to contest the 2010 presidential elections, was pardoned and released in September 2018.¹⁴ Several FDU-Inkingi members have reported being detained incommunicado, beaten and questioned about their membership to the party. In January 2020, six FDU-Inkingi members were convicted of charges including forming or collaborating with irregular armed forces and offenses against the state.¹⁵ Those convicted included Boniface Twagirimana, the party's deputy leader, who "disappeared" from his prison cell in Mpanga, southern Rwanda, in October 2018, and is still missing at time of writing.¹⁶

⁷ For more information, see: "Rwanda: Politically Closed Elections," Human Rights Watch news release, August 18, 2017, <https://www.hrw.org/news/2017/08/18/rwanda-politically-closed-elections>; and "Rwanda: Post-Election Political Crackdown," Human Rights Watch report, September 28, 2017, <https://www.hrw.org/news/2017/09/28/rwanda-post-election-political-crackdown>.

⁸ Three candidates contested the August presidential election: Kagame (Rwandan Patriotic Front, RPF); Frank Habineza (Democratic Green Party of Rwanda, DGPR); and an independent candidate, Philippe Mpayimana.

⁹ Another potential candidate, Thomas Nahimana, was denied access to Rwanda in January, when he tried to enter the country from France.

¹⁰ "Rwanda: Post-Election Political Crackdown," Human Rights Watch report.

¹¹ Diane Rwigara was also charged with "forging or alteration of documents" and "use of counterfeited documents," and Adeline Rwigara with "discrimination and sectarian practices." The charges of inciting insurrection were related to comments Diane Rwigara made at a press conference in July 2017 in which she was critical of the government. The charges related to forged documents and their use stemmed from allegations from the National Electoral Commission that many of the signatures supporting her candidacy were invalid. The incitement and discrimination charges against Adeline Rwigara appeared to be based on private WhatsApp messages. Some of these messages that leaked to pro-government Rwandan press were critical of the government.

¹² Human Rights Watch World Report: *Rwanda, Events of 2018*, <https://www.hrw.org/world-report/2019/country-chapters/rwanda>.

¹³ In November 2019, Ingabire announced the creation of a new party, Development and Liberty for All (Développement et Liberté pour tous or Dalfa Umurinzi).

¹⁴ Ingabire was initially sentenced to eight years in 2012, but in December 2013, the Supreme Court increased her sentence from eight to fifteen years. For more information on Ingabire's case, see: "Rwanda: Eight-Year Sentence for Opposition Leader," Human Rights Watch news release, October 30, 2012, <https://www.hrw.org/news/2012/10/30/rwanda-eight-year-sentence-opposition-leader>; and Human Rights Watch World Report: *Rwanda, Events of 2014*, <https://www.hrw.org/world-report/2015/country-chapters/rwanda>.

¹⁵ "Rwanda jails opposition figures for 7-12 years for 'conspiracy'", *Reuters*, January 24, 2020, <https://www.reuters.com/article/us-rwanda-justice-idUSKBN1ZN18U> (accessed March 3, 2020).

¹⁶ "One Month Since Rwandan Opposition Leader 'Disappeared,'" Human Rights Watch dispatch, November 8, 2018, <https://www.hrw.org/news/2018/11/08/one-month-rwandan-opposition-leader-disappeared>.

10. In 2019, three members of the FDU-Inkingi were reported missing or found dead in mysterious circumstances. In September, Sylodio Dusabumuremyi, the party's national coordinator was stabbed to death.¹⁷ Eugène Ndereyimana, a party member, was reported missing on July 15, after he failed to arrive for a meeting in Nyagatare, Eastern Province. Anselme Mutuyimana, an assistant to Ingabire, was found dead in March with signs of strangulation. The Rwanda Investigation Bureau said it had launched investigations into the cases but has not publicly shared findings or ensured accountability.

Civil society and Media

11. Civil society in Rwanda is very weak, due to many years of state intimidation and interference. Onerous registration requirements and bureaucratic obstacles prevent human rights groups from operating effectively. In May 2016, immigration services ordered Epimack Kwokwo, the former executive secretary of the regional human rights group Human Rights League in the Great Lakes Region (LDGL) and a Congolese national, to leave the country.¹⁸ According to the International Center for Not-for-profit Law, the 2012 law governing NGOs is currently under review, although no proposed amendments have been made public.¹⁹

12. Few Rwandan journalists challenge official government narratives and policies or investigate allegations of human rights abuses, especially against senior government officials. Some radio and television debates and call-in programs occasionally discuss more sensitive topics, such as the arbitrary detention of street children in "transit centers." In recent years, more reporting on sensitive social and human rights issues has been posted on online blogs and YouTube channels. However, harassment, suspicious disappearances, and the fear of prosecution have pushed many journalists to engage in self-censorship.

13. At least five media workers were detained in April 2020 for allegedly violating the government directives relating to the Covid-19 pandemic.²⁰ Three of them, who were bloggers, were released without charge but Dieudonné Niyonsenga, the owner of Ishema TV, and his driver, Fidèle Komezusenge, were reportedly charged with forgery and falsely claiming to be journalists.²¹

14. Constantin Tuyishimire, a journalist with TV1 Rwanda, was reported missing in July 2019 while he was supposed to be on a reporting trip to Gicumbi District. Authorities said they believed he had probably fled to Uganda due to unpaid debts, although people close to him could not confirm this.²²

15. Sana Radio journalist John Ndabarasa, who had gone missing in August 2016, resurfaced in Kigali in March 2017. Ndabarasa is a family member of Joel Mutabazi, a former presidential bodyguard sentenced to life imprisonment in 2014 for security-related offenses.²³ In a story that raised suspicions for many, Ndabarasa told journalists that he had fled the country and later decided voluntarily to come back.²⁴

¹⁷ "Rwanda: Killing Is Latest Attack on Opponents," Human Rights Watch news release, September 24, 2019, <https://www.hrw.org/news/2019/09/24/rwanda-killing-latest-attack-opponents>.

¹⁸ Human Rights Watch World Report: *Rwanda, Events of 2017*, <https://www.hrw.org/world-report/2018/country-chapters/rwanda>.

¹⁹ International Center for Not-For-Profit Law (ICNL), Civic Freedom Monitor: Rwanda, <https://www.icnl.org/resources/civic-freedom-monitor/rwanda> (accessed March 9, 2020).

²⁰ The Rwanda Media Commission [said](#) on April 13 that online bloggers, such as those using YouTube, are not journalists and are "not authorized to interview the population." For more information, see: "Rwanda: Lockdown Arrests, Abuses Surge," Human Rights Watch news release, April 24, 2020, <https://www.hrw.org/news/2020/04/24/rwanda-lockdown-arrests-abuses-surge>.

²¹ Committee to Protect Journalists, "Rwandan journalist, media worker detained since mid-April," May 21, 2020, <https://cpj.org/2020/05/rwandan-journalist-media-worker-detained-since-mid/> (accessed June 15, 2020).

²² "Rwanda: Disappearances Require Credible Investigations," Human Rights Watch news release, August 15, 2019, <https://www.hrw.org/news/2019/08/15/rwanda-disappearances-require-credible-investigations>.

²³ "Rwanda: Repression Across Borders," Human Rights Watch report, January 28, 2014, <https://www.hrw.org/news/2014/01/28/rwanda-repression-across-borders>.

²⁴ Human Rights Watch World Report: *Rwanda, Events of 2017*, <https://www.hrw.org/world-report/2018/country-chapters/rwanda>.

16. John Williams Ntwali, an investigative journalist, was arrested in late January 2016 and accused of allegedly raping a minor. Judicial officials later changed the charge to indecent assault and eventually dropped the case for lack of evidence. Ntwali was released after 10 days. Prior to his arrest, he had been investigating a number of sensitive issues, including the circumstances surrounding the 2015 death of prominent businessman Assinapol Rwigara. On February 3, 2016, police confiscated the computers of *East African* newspaper journalists Ivan Mugisha and Moses Gahigi. They had been investigating cases of alleged tax evasion and corruption. The police briefly detained and questioned Mugisha.²⁵

17. The BBC Kinyarwanda service remains suspended since 2014.

18. *Rwanda should:*

- Enable independent civil society organizations and journalists to operate freely and to investigate and publish information on sensitive subjects, including allegations of human rights abuses.
- Allow the BBC Kinyarwanda service to resume its broadcasts in Rwanda.
- Allow opposition parties to carry out their activities without intimidation; release individuals prosecuted solely for the peaceful and legitimate expression of their views.
- Conduct credible and transparent investigations into deaths and disappearances of opposition members, civil society actors and journalists and prosecute perpetrators.

Right to Life, Liberty, Security, Physical Integrity and a Fair Trial

19. In 2015, the Rwandan government accepted two recommendations calling on the authorities to ensure effective investigations into cases of enforced disappearances.²⁶ It considered that recommendations on the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance needed to be reviewed “in line with constitutional and other procedures.”²⁷

20. Rwanda also accepted recommendations on improving detention conditions, and ensuring unhindered access to justice and respect for due process for all Rwandans,²⁸ but considered that recommendations to investigate all allegations of torture and ill-treatment during interrogations by the police and security forces,²⁹ to provide human rights training to law enforcement officials,³⁰ and to respect international obligations relating to fair trial rights and due process³¹ were already partially or fully implemented.

21. During the reporting period, the government consistently failed to conduct credible and effective investigations into allegations of extrajudicial executions, enforced disappearances, arbitrary detention, torture and ill-treatment, and to prosecute alleged perpetrators. Rwandan authorities continued to arrest and detain people in unofficial military detention centers, where scores of detainees have been tortured in recent years. Many victims were later charged with security-related offenses such as “endangering state security” or “inciting public disorder”. Rwandan courts failed to investigate defendants’ torture claims and to rule out the admission of confessions and accusations allegedly obtained through torture. Several defendants in these cases were convicted after unfair trials.

Killings, Excessive Use of Force and Deaths in Custody

22. Between April 2016 and March 2017, Human Rights Watch documented how state security summarily killed at least 37 suspected petty offenders, in what appeared to be part of a broader strategy to spread fear,

²⁵ Human Rights Watch World Report: *Rwanda, Events of 2016*, <https://www.hrw.org/world-report/2017/country-chapters/rwanda>.

²⁶ Recommendations 133.17; 133.18. Recommendation 134.36, calling on Rwanda to “investigate reports of and allegations of arbitrary arrest, unlawful detention and forced disappearance of opposition political figures and members of civil society, and prosecute perpetrators,” was considered already implemented.

²⁷ Recommendations 134.1-13. The government did not support recommendation 135.28 relating to transparent and thorough investigations into reports of missing persons relating to a 2014 security operation.

²⁸ Recommendations 133.26; 133.28; 133.29.

²⁹ Recommendation 134.48.

³⁰ Recommendations 134.29-30.

³¹ Recommendation 134.49.

enforce order, and deter any resistance to government orders or policies.³² A report published on October 13, 2017 by Rwanda's National Commission for Human Rights (NCHR) on Human Rights Watch's research was full of falsehoods.³³ Rather than investigate and prosecute those responsible for the executions, Rwandan government officials threatened and coerced victims' family members to present false information about what happened to their loved ones.³⁴

23. In February 2018, police fired live ammunition on unarmed refugees from the Democratic Republic of Congo, killing at least 12 people.³⁵ Refugees were protesting outside the United Nations High Commissioner for Refugees office in Karongi District, Western Province. In February 2019, the NCHR published a report concluding that police used force as a last resort.³⁶ The NCHR's report contradicted Human Rights Watch's findings.

24. Rwandan police arrested over 60 refugees between February and May 2018 and charged them with offenses including participating in illegal demonstrations and rebellion. Some were also charged with spreading false information to create a "hostile international opinion" of Rwanda. At least 35 refugees have been sentenced to between 3 months and 15 years.³⁷

25. On February 17, 2020, police announced that Kizito Mihigo, a well-known singer and activist, had been found dead in his cell at the Remera Police Station in Kigali, in an alleged suicide, four days after his arrest near the border with Burundi. He had recently told Human Rights Watch that he was being threatened to provide false testimony against political opponents and wanted to flee the country because he feared for his safety.³⁸ Rwandan authorities issued a statement on February 26, concluding that Mihigo died by strangulation in a probable suicide, but failed to make details of the investigation public and meet standards expected for an investigation into a death in custody.³⁹ In 2015, Mihigo was sentenced to 10 years in prison for alleged formation of a criminal gang, conspiracy to murder, and conspiracy against the established government or the president, but was released in September 2018 after a presidential pardon.

Enforced Disappearances, Arbitrary Detention, Torture and Ill-Treatment, and Security-Related Trials

26. Between 2010 and 2017, Human Rights Watch documented how Rwanda's military frequently detained and tortured people, beating them, asphyxiating them, using electric shocks and staging mock executions in military camps around Kigali and in the northwest. Most of the detainees were disappeared and

³² "All Thieves Must Be Killed": Extrajudicial Executions in Western Rwanda, Human Rights Watch report, July 13, 2017, <https://www.hrw.org/news/2017/07/13/rwanda-petty-crime-suspects-summarily-executed>.

³³ National Commission for Human Rights, *Report on investigations carried out by the National Commission For Human Rights in Rustiro And Rubavu Districts on the Human Rights Wacth (HRW)'s report of July 2017*, October 2017, http://www.cndp.org.rw/fileadmin/user_upload/REPORT_ON_INVESTIGATIONS_CARRIED_OUT_BY_THE_NATIONAL_COMMISSION_FOR_HUMAN_RIGHTS_IN_RUSTIRO_AND_RUBAVU_DISTRICTS_ON_THE_HUMAN_RIGHTS_WACTH_HRW_S_REPORT_OF_JULY_2017.pdf (accessed March 3, 2020).

³⁴ "Rwanda: Cover Up Negates Killings," Human Rights Watch news release, November 1, 2017, <https://www.hrw.org/news/2017/11/01/rwanda-cover-negates-killings>.

³⁵ "Rwanda: A Year On, No Justice for Refugee Killings," Human Rights Watch report, February 23, 2019, <https://www.hrw.org/news/2019/02/23/rwanda-year-no-justice-refugee-killings>.

³⁶ National Commission for Human Rights, *Report of the Investigation into the Protests Organized by Refugees in Kiziba Camp in Karongi District*, dated May 2018 but published on the Commission's Twitter account on February 28, 2019. The summarized English version is available here: http://www.cndp.org.rw/fileadmin/user_upload/SUMMARY_OF_THE_NCHR_REPORT_ON_KIZIBA_REFUGEE_CAMP_INCIDENT.pdf (accessed March 9, 2020).

³⁷ Human Rights Watch World Report: *Rwanda, Events of 2019*, <https://www.hrw.org/world-report/2020/country-chapters/rwanda>.

³⁸ In 2014, Mihigo was held incommunicado for nine days, during which he was beaten and forced to confess to crimes with which he was later charged in court. For more information on Kizito Mihigo's case and other deaths in police custody during the reporting period, see: "Rwanda: Ensure Justice Over Kizito Mihigo Death," Human Rights Watch news release, February 20, 2020, <https://www.hrw.org/news/2020/02/20/rwanda-ensure-justice-over-kizito-mihigo-death>.

³⁹ National Public Prosecution Authority, "Statement on Investigative Report on the Death of Mr Kizito Mihigo," Republic of Rwanda, February 26, 2020.

held incommunicado for months on end in deplorable conditions.⁴⁰

27. Human Rights Watch continues to receive multiple, credible accounts of incommunicado detention, beatings and torture to obtain forced confessions at “Kwa Gacinya,” a police station in Gikondo, a residential suburb of Kigali. Many victims were prosecuted on security-related charges, and in some cases convicted.

28. Fair trial standards are routinely flouted in many sensitive political cases, in which security-related charges are often used to prosecute prominent government critics. On March 31, 2016, the Military High Court of Kanombe sentenced Colonel Tom Byabagamba and retired Brigadier General Frank Rusagara to 21 and 20 years in prison, respectively, on charges including inciting insurrection and tarnishing the government’s image.⁴¹ Prosecutors accused them of criticizing the government. The Court of Appeal failed to investigate allegations of torture and witness tampering made during the trial and, on December 27, 2019, upheld the conviction.⁴²

29. During its 2015 review, the government committed to the establishment of a national preventive mechanism in line with the Optional Protocol to the Convention Against Torture.⁴³ In October 2017, the Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT)⁴⁴ had to suspend and subsequently cancel its state visit to Rwanda – the first time it has done so – citing obstruction from the Rwandan government and fear of reprisals against interviewees.⁴⁵ The NCHR was designated as the national preventive mechanism in 2018.⁴⁶ However, Rwanda has not officially notified the SPT of the NCHR’s mandate. The NCHR has long shied away from visiting military detention facilities and conducting credible and transparent investigations into human rights violations perpetrated by state agents.⁴⁷

30. *Rwanda should:*

- Conduct credible, transparent and independent investigations into allegations of extrajudicial executions, arbitrary arrests, unlawful detentions, enforced disappearances and torture, and bring perpetrators to justice.
- Ensure that detainees are only held in recognized prison and detention centers and allowed visits.
- Ensure that no one is convicted on the basis of information extracted under torture or duress, and promptly investigate defendants’ allegations of torture.

⁴⁰ ‘We Will Force You to Confess’: Torture and Unlawful Military Detention in Rwanda, Human Rights Watch report, October 10, 2017, <https://www.hrw.org/report/2017/10/10/we-will-force-you-confess/torture-and-unlawful-military-detention-rwanda>.

⁴¹ In the same trial, retired Sergeant François Kabayiza was sentenced to five years and a fine of 500,000 Rwandan francs for concealing evidence. He has since completed his sentence. For more information, see: “Rwanda: Ex-Military Officers Convicted Over Comments,” Human Rights Watch news release, April 1, 2016, <https://www.hrw.org/news/2016/04/01/rwanda-ex-military-officers-convicted-over-comments>.

⁴² “Rwanda: Free Speech Convictions Upheld,” Human Rights Watch news release, January 13, 2020, <https://www.hrw.org/news/2020/01/13/rwanda-free-speech-convictions-upheld>.

⁴³ Recommendation 133.6. The government of Rwanda considered three others on the implementation of the protocol as currently being implemented (134.17; 134.18; 134.26).

⁴⁴ A monitoring body of the Optional Protocol to the Convention against Torture, ratified by Rwanda in 2015.

⁴⁵ This was the first time the subcommittee had to cancel a visit altogether. See Human Rights Watch World Report, *Events of 2018*, <https://www.hrw.org/world-report/2019/country-chapters/rwanda>

⁴⁶ Law no. 61/2018 of 24/08/2018 modifying law no. 19/2013 of 25/03/2013 determining missions, organisation and functioning of the National Commission for Human Rights, http://cndp.org.rw/fileadmin/user_upload/NEW_NCHR_LAW.pdf (accessed March 4, 2020).

⁴⁷ In its 2017 review of Rwanda, the United Nations Committee Against Torture raised concerns over the NCHR’s lack of independence and restricted access to all places of detention. For more information, see: United Nations Committee Against Torture, *Concluding observations on the second periodic report of Rwanda*, CAT/C/RWA/CO/2, 21 December 2017, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fRWA%2fCO%2f2&lang=en (accessed March 4, 2020).

- Strengthen the independence of justice system and prevent political interference in prosecutions and trials.
- Ensure the independence of the NCHR so it conducts credible and transparent investigations into alleged human rights violations by state actors and fulfils its mandate as national preventive mechanism and cooperates with the SPT.
- Ratify the International Convention for the Protection of all Persons from Enforced Disappearance.

Transit Centers and the National Rehabilitation Service

31. In 2015, the government of Rwanda accepted recommendations to continue efforts to provide protection to children in difficult circumstances, such as street children, and implement further legislation to regulate “transit” and “rehabilitation” centers.⁴⁸ It did not commit to “investigate allegations of arbitrary arrests and maltreatment of detained persons at Gikondo Transit Centre, and bring perpetrators to justice,”⁴⁹ and has instead continued to expose vulnerable people, including children, to abuse in so-called transit centers.⁵⁰

32. Gikondo and other transit centers in Rwanda are now governed by the 2017 law establishing the National Rehabilitation Service, which states that anyone exhibiting “deviant behaviors,”⁵¹ can be held in a transit center for up to two months, without any other further legal justification or oversight. In January 2020, Human Rights Watch found that the new legislation provides cover for the police to round up and arbitrarily detain children at the transit center in deplorable and degrading conditions at Gikondo Transit Center.⁵²

33. In February 2020, the United Nations Committee on the Rights of the Child called for a halt to arbitrary detention of children in transit centers, for investigations into allegations of ill-treatment – including beatings –, and for amendments to the legal framework that regularizes this abuse.⁵³

34. *Rwanda should:*

- Immediately close Gikondo Transit Center and release all children detained there.
- Amend the laws governing the National Rehabilitation Service and bring them in line with regional and international standards.
- Investigate cases of abuse and misconduct by the police, hold officials responsible for arbitrary detention to account, and prosecute those responsible for ill-treatment of detainees at Gikondo and other transit centers.

⁴⁸ Recommendation 133.22 and 133.27. The government of Rwanda accepted several other recommendations relating the rights of vulnerable children more broadly.

⁴⁹ Recommendation 135.33.

⁵⁰ Since 2006, Human Rights Watch has documented the arbitrary detention and ill treatment of street vendors, sex workers, street children, and other poor people in transit centers in Gikondo, Muhanga (Muhanga district), Mbazi (Huye district), and Mudende (Rubavu district). Human Rights Watch, *Swept Away: Street Children Illegally Detained in Kigali*, May 4, 2006, <http://www.hrw.org/legacy/backgrounder/africa/rwanda0506/rwanda0506.pdf>; “Why Not Call This Place a Prison?”: *Unlawful Detention and Ill-Treatment in Rwanda’s Gikondo Transit Center*, September 24, 2015, <https://www.hrw.org/report/2015/09/24/why-not-call-place-prison/unlawful-detention-and-ill-treatment-rwandas-gikondo>; and “Rwanda: Locking Up the Poor,” Human Rights Watch report, July 21, 2016, <https://www.hrw.org/news/2016/07/21/rwanda-locking-poor>.

⁵¹ Defined in the law as “actions or bad behavior such as prostitution, drug use, begging, vagrancy, informal street vending, or any other deviant behavior that is harmful to the public.” See: Ministerial Order no. 001/07.01 of 19/04/2018 determining Mission, Organization and Functioning of Transit Centers, art. 2.2, http://nrs.gov.rw/fileadmin/Laws_and_Regulations/Laws/Ministerial%20Order%20determining%20mission%2C%20organization%20and%20functioning%20of%20transit%20centers.pdf (accessed March 3, 2020).

⁵² “As Long as We Live on the Streets, They Will Beat Us”: *Rwanda’s Abusive Detention of Children*, Human Rights Watch report, January 27, 2020, <https://www.hrw.org/report/2020/01/27/long-we-live-streets-they-will-beat-us/rwandas-abusive-detention-children>.

⁵³ United Nations Committee on the Rights of the Child, *Concluding observations on the combined fifth and sixth periodic reports of Rwanda*, CRC/C/RWA/CO/5-6, February 10, 2020, https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/RWA/CRC_C_RWA_CO_5-6_41514_E.pdf (accessed March 3, 2020).

International Justice

35. On February 29, 2016, the Rwandan government withdrew its declaration allowing individuals to file complaints with the African Court on Human and Peoples' Rights, on the grounds that the declaration was being exploited by convicted genocide fugitives. The court was due to hear a complaint against Rwanda, brought by Victoire Ingabire.⁵⁴

36. Rwanda has not ratified the Rome Statute.

37. *Rwanda should:*

- Retract its withdrawal of its article 34(6) declaration allowing individuals to file complaints with the African Court on Human and Peoples' Rights;
- Ratify the Rome Statute align national legislation provisions to cooperate promptly and fully with the International Criminal Court.

⁵⁴ On September 5, 2016, the court ruled that the withdrawal would only take effect after one year and would not affect pending cases.