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Freedom in the World 2012 - Rwanda

2012 Scores

Status: Not Free

Freedom Rating: 5.5

Civil Liberties: 5

Political Rights: 6

Overview

Despite hopes for an improvement in conditions following August 2010 presidential elections, the Rwandan Patriotic Front maintained strict controls on civic and political life in 2011. The prosecution of journalists and opposition politicians continued during the year, with harsh sentences delivered in several cases.

Belgian colonial rule in Rwanda, which began after World War I, exacerbated and magnified tensions between the minority Tutsi ethnic group and the majority Hutu. A Hutu rebellion beginning in 1959 overthrew the Tutsi monarchy, and independence from Belgium followed in 1962. Hundreds of thousands of Tutsi were killed or fled the country in recurring violence over the subsequent decades. In 1990, the Tutsi-dominated Rwandan Patriotic Front (RPF) launched a guerrilla war from Uganda to force the Hutu regime, led by President Juvénal Habyarimana, to accept power sharing and the return of Tutsi refugees.

Habyarimana was killed when his plane was shot down near Kigali in April 1994. Hutu extremists immediately pursued the complete elimination of the Tutsi. During the

genocide, which lasted approximately three and a half months, as many as a million Tutsi and moderate Hutu were killed. By July, however, the RPF had succeeded in taking control of Kigali and establishing an interim government of national unity.

The Hutu-dominated army and militia, along with as many as two million Hutu refugees, fled into neighboring countries, especially the Democratic Republic of Congo (DRC). These forces were able to retrain and rearm in the midst of international relief efforts to assist the refugees. The RPF responded by attacking refugee camps in the DRC in 1996. A 2010 UN report provided strong evidence of war crimes committed by RPF forces in incursions in the DRC from 1996 to 1997 and from 1998 to 2003.

Nearly three million refugees returned to Rwanda between 1996 and 1998 and were reintegrated into society. Security improved considerably after 1997, although isolated killings and disappearances continued. The RPF-led government closely directed the country's political life. In 2000, President Pasteur Bizimungu, a moderate Hutu installed by the RPF, resigned and was replaced by Vice President Paul Kagame, a Tutsi.

Rwanda's extended postgenocide political transition officially ended in 2003 with a new constitution and national elections. The RPF's preeminent position – combined with a short campaign period, the RPF's ability to suppress opposition, and a pliant political culture traumatized by the effects of the genocide – ensured victory for Kagame in the presidential vote and for the RPF and its allies in subsequent parliamentary elections. The largest opposition party, the Hutu-based Democratic Republican Movement (MDR), was declared illegal by the authorities before the elections for allegedly promoting ethnic hatred, as was a new party created by Bizimungu in 2001.

A series of four parliamentary commissions between 2003 and 2008 investigated allegations of "genocide ideology" and "divisionism" in domestic and international nongovernmental organizations (NGOs), opposition political parties, the media, and schools. These commissions equated criticism of the RPF-led government with denial of the genocide, and made accusations against numerous individuals and organizations without recourse to due process, driving a number of government critics into exile and pushing some NGOs and political parties to curtail their activities.

The RPF-led coalition handily won the 2008 parliamentary elections, taking 42 out of 53 elected seats in the lower house. Monitoring by a European Union observer team indicated that the actual RPF share of the vote was higher than reported, suggesting a manipulation of results to make the elections appear more democratic.

In advance of the August 2010 presidential election, the government prevented new political parties from registering and arrested the leaders of several parties, effectively

preventing them from fielding candidates. The most credible opposition candidate, Victoire Ingabire, the leader of the United Democratic Forces-Inkingi (FDU-Inkingi), was arrested and released in April on charges of denying the genocide and collaborating with a terrorist group. The Social Party-Imberakuri (PS-Imberakuri) was allowed to register, but its presidential candidate, Bernard Ntaganda, was also arrested in June. André Kagwa Rwisereka, the vice president of the Democratic Green Party of Rwanda, was assassinated in July. With no serious challengers on the ballot, Kagame won reelection with 93 percent of the vote.

Ingabire was arrested again in October 2010, accused of engaging in terrorist activities. In February 2011, Ntaganda of PS-Imberakuri was sentenced to four years in prison for breaching state security and "divisionism" based on his 2010 election campaign speeches, as well as planning unauthorized demonstrations. Three members of FDU-Inkingi were also given heavy fines in February for supporting "divisionism" by conspiring to participate in unauthorized demonstrations in June 2010. Ingabire's trial, which began in September 2011, continued at year's end.

A limited number of special genocide courts continued to operate in 2011, trying those accused of more serious crimes that fell outside the jurisdiction of community-based *gacaca* courts. The *gacaca* courts themselves moved to complete their work, as a revision of the *gacaca* law charged them with trying cases of rape and other serious crimes previously reserved for the special genocide courts. By the end of 2011, the International Criminal Tribunal for Rwanda (ICTR) had arrested 83 individuals and completed cases against 70, with trials of 5 individuals ongoing, and only 1 detainee awaiting trial. Meanwhile, RPF officials facing charges leveled by a Spanish judge for war crimes allegedly committed during the genocide were expelled from or denied entry to a number of countries in 2011.

Political Rights and Civil Liberties

Rwanda is not an electoral democracy. International observers noted that the 2010 presidential and 2008 parliamentary elections, while administratively acceptable, presented Rwandans with only a limited degree of political choice. The 2003 constitution grants broad powers to the president, who can serve up to two seven-year terms and has the authority to appoint the prime minister and dissolve the bicameral Parliament. The 26-seat upper house, the Senate, consists of 12 members elected by regional councils, 8 appointed by the president, 4 chosen by a forum of political parties, and 2 representatives of universities, all serving eight-year terms. The Chamber of Deputies, or lower house, includes 53 directly elected members, 24 women chosen by

local councils, 2 from the National Youth Council, and 1 from the Federation of Associations of the Disabled; all serve five-year terms.

The constitution officially permits political parties to exist, but only under strict controls. The charter's emphasis on "national unity" effectively limits political pluralism. The RPF dominates the political arena, and parties closely identified with the 1994 genocide are banned, as are parties based on ethnicity or religion. These restrictions have been used to ban other political parties that might pose a challenge to RPF rule. The constitutionally mandated Political Party Forum vets proposed policies and draft legislation before they are introduced in Parliament. All parties must belong to the forum, which operates on the principle of consensus, though in practice the RPF guides its deliberations. Parliament generally lacks independence, merely endorsing government initiatives. However, parliamentary committees have begun to question ministers and other executive branch officers more energetically, and some of these deliberations are reported in the local press.

Government countermeasures have helped limit corruption, though graft remains a problem. A number of senior government officials in recent years have been fired and faced prosecution for alleged corruption, embezzlement, and abuse of power, including the director of the National Institute of Statistics and permanent secretaries in the Ministries of Infrastructure and Education. Government institutions focused on combating corruption include the Office of the Ombudsman, the auditor general, and the National Tender Board. Rwanda was ranked 49 out of 183 countries surveyed in Transparency International's 2011 Corruption Perceptions Index.

The RPF has imposed numerous legal restrictions and informal controls on the media, and press freedom groups have accused the government of intimidating independent journalists. Prior to the 2010 elections, the government banned numerous newspapers, journals, and radio stations, many of which did not reopen in 2011. In February 2011, *Umurabyo* newspaper journalists Agnès Uwimana Nkusi and Saïdati Mukakibibi were sentenced to 17 and 7 years, respectively, for denying the genocide, inciting civil disobedience, and defaming public officials based on an article published in 2009 criticizing President Paul Kagame. In August, the bimonthly *Ishema* temporarily suspended publication after receiving threats for printing an opinion piece that referred to Kagame as a "sociopath." Fidèle Gakire, *Ishema*'s publisher, along with the board of the newspaper jointly decided to cease publication for a month. *Ishema* also printed a special edition apologizing to the president, and Gakire apologized to Rwanda's High Media Council, which had ruled that the opinion piece was libelous. Nevertheless, Gakire remained the target of multiple threats, and the Forum of Private Newspapers, a council created to ensure that publications self-regulate, suspended his membership for six

months. On November 30, Charles Ingabire, editor of the Uganda-based online publication *Inyenyeri News* and an outspoken critic of the Kagame regime who had fled Rwanda in 2007 due to threats, was shot dead in Uganda. There were reports that the government blocked three critical websites in 2011, and that it monitored e-mail and internet chat rooms.

Religious freedom is generally respected, though relations between religious leaders and the government are sometimes tense, in part because of the involvement of clergy in the 1994 genocide. In July, a court in Rwamagana sentenced priest Emile Nsengiyumva to a year and a half in prison for threatening state security because of a sermon he gave criticizing a government housing program and family planning policies.

Fear among teachers and students of being labeled "divisionist" restrains academic freedom. Following the 2004 and 2008 parliamentary commission reports on "divisionism," numerous students and teachers have been expelled or dismissed without due process. A 2010 Amnesty International report indicated that the 2008 law against "genocide ideology" continued to stifle academic freedom. The crackdown ahead of the 2010 presidential election that severely stifled general free discussion – with the Department of Military Intelligence closely monitoring the population – did not ease in 2011.

Although the constitution codifies freedoms of association and assembly, in reality these rights are limited. Some NGOs have complained that registration and reporting procedures are excessively onerous, and activities that the government defines as "divisive" are prohibited. Several organizations have been banned in recent years, leading others to refrain from criticizing the RPF. In August 2011, leaders of the League for Human Rights in the Great Lakes Region, one of the remaining independent human rights groups in Rwanda, were detained and prevented from traveling. However, most civil society organizations that are not focused on sensitive subjects, such as democracy and human rights, function without direct government interference.

The constitution provides for the rights to form trade unions, engage in collective bargaining, and strike. Public workers are not allowed to unionize, however, and the list of "essential services" in which strikes are not allowed is excessively long. The International Trade Union Confederation reported that although a new 2009 labor code improved workers' rights, the government continues to pressure unions in subtle and indirect ways. In January and May 2011, respectively, trade unionists were dismissed from the textile factories UTEXRWA and ECOBANK-Rwanda, with no government response.

Recent improvements in the judicial system include an increased presence of defense lawyers at trials, improved training for court staff, and revisions to the legal code, but the judiciary has yet to secure full independence from the executive. The gacaca courts faced criticism from legal experts not only because of their failure to address genocide-era crimes allegedly committed by the RPF, but also because they routinely tried politically motivated cases. Individual police officers sometimes use excessive force, and local officials periodically ignore due process protections. The construction of new prisons during the past decade has improved prison conditions, even as gacaca trials have once again increased the prison population.

Equal treatment for all citizens under the law is guaranteed, and legal protections against discrimination have increased in recent years. A national identity card is required when Rwandans wish to move within the country, but these are issued regularly, and no longer indicate ethnicity.

The 2003 constitution requires women to occupy at least 30 percent of the seats in each chamber of Parliament, and women filled 10 of the 26 Senate seats following the 2011 elections. Legislation has strengthened women's rights to inherit land. Despite these improvements, de facto discrimination against women continues. Domestic violence is illegal, but remains widespread.