

Rwanda

Ten years after the end of a genocide and war, the Rwandan government has created a veneer of stability by suppressing dissent and limiting the exercise of civil and political rights. It often cites the need to avoid another genocide as the purported justification for such repressive measures. Victorious militarily in 1994, the ruling Rwandan Patriotic Front (RPF) also won elections ending a transition period in 2003, bolstering its margin of victory by fraud, arrests, intimidation, and appeals to ethnic fears and loyalties.

In 2004, the RPF further reinforced its control by attacking civil society organizations, churches, and schools for supposedly disseminating "genocidal ideology." Authorities arrested dozens of persons accused of this crime.

Judicial authorities carried out a sham trial of a former president and seven others, but few other trials. Tens of thousands of persons remained jailed on accusations of genocide, some of them detained more than ten years, and the prosecutor general estimated that another 500,000 persons would be accused of genocide.

In the course of reforming the judicial system, authorities obliged judges and judicial personnel, more than five hundred of them, to resign. Fewer than one hundred were re-appointed to positions in the new system. During this year nearly half the 106 mayors were also obliged to resign. Authorities insist that those removed lacked competence or were corrupt, a remarkable charge given the numbers and responsibilities of those removed.

Limits on Civil and Political Rights

In 2003, a parliamentary commission charged the leading opposition party with "divisionism" and called for its dissolution. Although there was no further official action against the party, it vanished from the scene. In June 2004 a similar parliamentary commission called for the dissolution of the League for the Protection of Human Rights in Rwanda (LIPRODHOR), the leading human rights organization in Rwanda, and of four other civil society organizations, said to have spread "divisionism" or its more extreme manifestation, "genocidal ideology." Fearing immediate arrest, a dozen LIPRODHOR staff members fled the country. In its lengthy report, the commission also charged more than 300 persons, many Protestant and Catholic churches, international organizations like Care International, Pax Christi, Trocaire, and Norwegian People's Aid, as well as a staff member who administered grants for the Dutch embassy in Rwanda with supporting the dissemination of "divisionism" and "genocidal ideology." It asked that 11.11.11, a Belgian coalition that funded many organizations in Rwanda, be prohibited from operating in the country. The commission offered no significant proof for any of its charges, which it

made publicly in parliament and over the national radio. Still suffering the consequences of the 1994 genocide, Rwandan authorities understandably seek to end ideas that might contribute to genocide, but the parliamentary commission seemed intent on eliminating not just those ideas but also public criticism of government policies, discussion of crimes committed by the RPF, and expression of support for candidates opposed to the RPF.

Authorities continue to harass and arbitrarily detain those who tried to organize a political alternative to the RPF. Pierre Gakwandi and Leonard Kavutse, both arrested on charges of divisionism prior to the presidential elections and named in the 2003 parliamentary commission report, remained in pre-trial detention. Others accused of "divisionism" lost employment or were deprived of their passports.

The government frequently invokes the role of the media in inciting the 1994 genocide as justification for restricting press freedom, leaving only one independent newspaper struggling to survive. In March 2004, the editor-in-chief and senior journalist of that newspaper, *Umuhoze*, fled the country after receiving death threats from a high-ranking government official. This editor was the third to flee Rwanda since the journal began publishing in 2000. His successor, detained or interrogated at least four times in the remaining months of the year, was tried on accusations of divisionism and defaming a high-ranking RPF official. In late November he was acquitted of the divisionism charge and punished with only token fines and damages on the other charges, a decision that gave some hope for greater press freedom.

Justice and Impunity

In June 2002, Rwanda launched a system of state-run popular justice called gacaca to deal with most of the one hundred thousand genocide suspects who had spent years in pretrial detention. But by late 2004 only ten percent of some eleven thousand gacaca courts had held pre-trial hearings and none had actually tried any suspects. Gacaca was supposed to reduce the prison population but persons confessing to guilt as part of the process have named tens of thousands of new suspects. Authorities estimate that five hundred thousand more persons may yet be accused, an astonishing number that raises questions about why so many persons waited until ten years after the crime to accuse suspected perpetrators. Some convicted persons are to serve half their sentence at home in a work-release program, but the details for its operation had not been set at the end of 2004.

Meant to involve everyone in the community, gacaca has failed to attract widespread participation, in part because it was seen as one-sided justice: although originally mandated to try war crimes committed by RPF soldiers during the period of the genocide, gacaca courts have not been allowed by authorities to consider such cases. Acknowledging that attendance at gacaca was poor in eight of twelve provinces, authorities reformed the system in mid-2004, simplifying the procedure and reducing the number of judges for each jurisdiction. In addition, authority to consider war crimes was struck from the mandate, thus eliminating any possibility of justice for RPF crimes under this form of popular justice. Gacaca jurisdictions were authorized to reopen cases of persons previously acquitted by the standard courts, thus

violating the usual protection against double jeopardy. To deal with the problem of flagging attendance, the revised law requires citizens to participate and sets punishments for those who fail to attend.

In early 2003, the president granted conditional release to some 24,000 persons who had confessed their guilt for genocidal crimes. Although those released are supposed to face trial at some point, few Rwandans believe that they will do so. The possibility that thousands of confessed criminals would never account for their crimes in public proceedings further undermined the legitimacy of gacaca in the eyes of some Rwandans.

In April 2004 former President Bizimungu, former Minister Ntakirutinka and six co-defendants were brought to trial after spending two years in pre-trial detention. The accusations against Bizimungu included several treason-related charges, illegal possession of a firearm and embezzlement of public funds. Despite the gravity of the charges and the number of accused, the prosecution presented its case in only six days. Prosecution witnesses against Bizimungu and Ntakirutinka repeatedly contradicted themselves and each other. The judge denied their right to fully cross-examine some witnesses and refused to allow them to call others. The prosecution presented a single witness against the other six co-defendants. His evidence was inconsistent, uncorroborated and later challenged by seven defense witnesses. Despite the weakness of the prosecution case, the court convicted all eight, sentencing Bizimungu to ten years in prison, Ntakirutinka to ten years in prison, and the others to five years each. All eight defendants remain in detention awaiting appeal.

Until the end of 2004, the Rwandan government opposed investigations of RPF crimes by the U.N. International Criminal Tribunal for Rwanda (ICTR) and itself did little to investigate and prosecute its soldiers for war crimes and crimes against humanity committed during the genocide or subsequently. Unless the ICTR tries some of those accused, RPF soldiers will escape punishment for their crimes, reinforcing past patterns of impunity.

Key International Actors

Burdened by guilt over their inaction during the genocide, many foreign donors generously support the Rwandan government—credited with having ended the genocide—while ordinarily overlooking its human rights abuses. U.N. Security Council members issued only a mild reprimand when the matter of Rwandan obstruction of ICTR investigations was brought before them. Documentation of illegal Rwandan exploitation of DRC resources by a U.N. panel in 2002 and 2003 elicited only mild criticism. Foreign leaders also generally applauded the 2003 elections even though observers, including those of the European Union, reported widespread abuses.

In 2004 the United Kingdom (UK), Rwanda's most generous donor, reportedly twice suspended or threatened to suspend aid in order to restrain Rwandan intervention in the DRC. South Africa also supposedly brought pressure to bear on Rwanda for the same reason. But the UK and others still hesitated to criticize abuses inside Rwanda, although the European Union did finally issue mildly critical

letters concerning the Bizimungu trial and the attack on civil society for “genocidal ideology.” Rwanda sharply rejected these reproofs.

Human Rights Watch
350 Fifth Avenue, 34th floor
New York, New York 10118-3299
Tel. +1 212 216 1200 Fax +1 212 736 1300
www.hrw.org