

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	67
Land:	Rwanda
Kilde:	Amnesty International
Titel:	Annual report 2008
Udgivet:	28. maj 2008
Optaget på baggrundsmaterialet:	2. juni 2008

Rwanda

REPUBLIC OF RWANDA

Head of State	Paul Kagame
Head of government	Bernard Makuza
Death penalty	abolitionist for all crimes
Population	9.4 million
Life expectancy	45.2 years
Under-5 mortality (m/f)	204/178 per 1,000
Adult literacy	64.9 per cent



Rwanda abolished the death penalty in 2007. Freedom of expression, association and movement continued to be restricted. The security services were implicated in human rights violations, including the use of excessive force and torture. Fair trial standards continued to be flouted, particularly in the community-based gacaca tribunals, whose powers to try genocide suspects were extended during the year. Tensions persisted between and within Rwanda's main ethnic groups.

Excessive use of force, torture and other ill-treatment

The security services, and in particular the police and Local Defence Forces (LDF), reportedly used unlawful and excessive force when arresting suspects. The LDF are an armed civilian force working alongside the national police.

- In May, it was reported that François Rukeba, who had recently been extradited from Uganda to Rwanda, had been tortured. According to reports, he was severely beaten during the first days of his detention by the Rwandan security forces. In November, it was reported that the government would shortly submit the issue of ratification of the UN Convention against Torture to Parliament.

Freedom of expression Press freedom

In 2007, Rwanda was ranked 181 out of 195 countries in terms of respect for press freedom by the USA-based organization, Freedom House. Harassment, threats, intimidation and violent attacks against journalists, in particular those working for non-state media, continued. The authorities failed to protect and uphold the rights of these journalists.

- On 9 February, Jean Bosco Gasasira, the editor of Umuvigizi newspaper, was assaulted with iron bars by three unidentified men in the capital, Kigali. Jean Bosco Gasasira was rushed to hospital where he remained in intensive care for several days. He had published several articles in Umuvigizi newspaper that were critical of the Rwandan Patriotic Front (RPF), the ruling political party. One article alleged nepotism within the RPF.
- Also on 9 February, the government-controlled radio station, Radio Rwanda, reportedly broadcast remarks by the Director of Radio Rwanda and the President of the High Press Council threatening the independent newspaper Umuco. Accusing the newspaper of fomenting ethnic hatred, they compared it to the defunct newspaper Kangura, which incited hatred of Tutsi people before and during the 1994 genocide. Following this radio broadcast, Bonaventure Bizumuremyi, the editor of Umuco, received telephone calls threatening him. The press is still viewed by some with fear since it played such an instrumental role in whipping up the genocide in 1994. In 2007, the government continued to accuse journalists critical of the authorities of inciting ethnic hatred in order to silence them.
- In September, four government ministers, including the Ministers of Interior and of Communication, and two members of the security forces threatened independent journalists during a programme broadcast by Radio Rwanda and Télévision rwandaise (TVR) if they carried on criticizing the government. The Interior Minister allegedly said that the police should arrest any journalist who published a leaked official document and that the journalist should remain in detention until he revealed the source of the leak. In addition, these journalists were branded as "enemies" of the country. Journalists working for the newspaper Umuseso were particularly targeted. The government increasingly used criminal laws and sanctions to stifle free expression of opinion. Two draft laws, one related to the Press Law and one to the Criminal Code, which were being

considered by Parliament at the end of 2007, contained provisions which would unduly restrict freedom of expression.

Human rights defenders

The work of human rights defenders was under intense scrutiny by the authorities.

- In February, Congolese law professor Idesbald Byabuze Katabaruka was arrested and charged with "threatening state security" and "discrimination and sectarianism". He was in Kigali to teach a university law course. The public prosecutor issued the charges in relation to several public documents which Idesbald Byabuze Katabaruka had allegedly written or co-authored. They included an article, *Alerte Rwanda* (Rwanda Warning), which was highly critical of the RPF. About one month later, after international pressure, the charges against him were dropped and he was released from Kigali Central Prison.

Death penalty

In July, Rwanda abolished the death penalty, the first country in the Great Lakes region to do so. The retention of the death penalty constituted one of the main obstacles preventing the transfer of detainees held by the International Criminal Tribunal for Rwanda (ICTR), and indicted genocide suspects living abroad, to Rwanda's national jurisdiction.

Gacaca trials

Trials continued under the gacaca system - a community-based system of tribunals established in 2002 to try people suspected of crimes during the 1994 genocide. In March, a new gacaca law was enacted which substantially changed the previous 2004 law. Under the new law, the jurisdiction of gacaca tribunals was extended so that they could try categories of people, such as "notorious killers", who previously came under the jurisdiction of the national courts. The gacaca tribunals were also empowered to hand down life sentences. In addition, the number of judges (Inyangamugayo) required to sit on a gacaca tribunal was reduced from nine to seven in order to increase the number of sessions. Although the government's stated intention was to close down the gacaca courts as soon as possible, in early December the Secretary General of the gacaca jurisdictions announced that the gacaca tribunals would be extended into 2008. While the provisions of the 2007 law speeded up the gacaca trials, this was at the expense of the fairness and quality of the rulings. There were regular reports that fair trial guarantees were not being applied in the gacaca process, leading to miscarriages of justice.

- François-Xavier Byuma, a prominent human rights defender, was sentenced to 19 years' imprisonment in May for participating in weapons training during the 1994 genocide, after an unfair trial by the gacaca community court in Bilyogo, Kigali. The judge who presided over the trial had been under investigation by François-Xavier Byuma's NGO, Turengere Abana (Rwandan Association for the Protection and Promotion of the Child, l'Association Rwandaise pour la Protection et la Promotion de l'Enfant) for the alleged rape of a 17-year-old girl. The judge's conflict of interest denied François-Xavier Byuma his right to a fair trial before an independent and impartial tribunal. Poorly qualified, ill-trained and corrupt gacaca judges in certain districts fuelled widespread distrust of the gacaca system. In December, the League for Human Rights in the Great Lakes Region (LDGL) reported that seven judges of the gacaca court of the Kibirizi sector, South Province, had been arrested in November for tampering with evidence. Rwandans continued to flee the gacaca system to neighbouring countries. Some were afraid that the tribunals would expose their involvement in the genocide. Others fled out of fear of false accusations.

- Teachers and other staff from the University of Butare reportedly fled the country out of fear of being wrongly accused of involvement in the genocide. Rwandan sources also reported throughout the year that gacaca judges and witnesses (for the prosecution and the defence alike) had been threatened and in some cases killed.

Detention without trial

In October, during a parliamentary session, Rwandan senators raised concerns about illegal detentions. Several thousand detainees remained incarcerated on a long-term basis without trial.

- Dominique Makeli, a former journalist for Radio Rwanda, remained in detention without trial after almost 13 years. The charges against him repeatedly changed. The authorities' latest accusation was that he had incited genocide in a programme for Radio Rwanda in 1994.

- Two Catholic nuns, Sisters Bénédictine Mukanyangezi and Bernadette Mukarusine, were finally tried in July 2007 after more than 12 years in detention without trial. The gacaca court that took up their cases released them for lack of evidence.

- Tatiana Mukakibibi, a former presenter and producer with Radio Rwanda, was acquitted of genocide charges by a gacaca court in the southern district of Ruhango on 6 November after 11 years in detention without trial.

Prison conditions

In early 2007, the government announced the provisional release of 8,000 detainees, many of whom had reportedly confessed to participation in the genocide. This was the third wave of mass releases since 2003 in an attempt to address prison overcrowding. Despite these releases, the prisons remain overcrowded. By July, there were 97,000 prison inmates. This figure dropped to 70,000 in September following an official instruction which allowed some detainees to carry out work of benefit to local communities, known as TIG (work of general interest), in camps outside the prisons. Prison conditions remained extremely harsh and amounted to cruel, inhuman or degrading treatment.

Political prisoners

In April, Pasteur Bizimungu was transferred from prison to house arrest. Pasteur Bizimungu and Charles Ntakirutinka had been sentenced in 2005 to 15 and 10 years' imprisonment respectively on charges of inciting civil disobedience, associating with criminal elements and embezzlement of state funds. Both men had, prior to their arrest, launched a new political party, the Democratic Party for Renewal (Parti Démocratique de Renouveau, PDR-Ubuyanja). Many human rights observers considered that their prosecution was an attempt to eliminate political opposition. Charles Ntakirutinka remained in Kigali's Central Prison.

Investigations of genocide and war crimes

In October, the Rwandan commission of inquiry to investigate the role of the French military in the genocide presented its report to President Kagame. The Spanish judicial authorities continued to investigate the murder of Spanish nationals and other crimes committed between 1990 and 2002 in Rwanda and the Democratic Republic of the Congo. The investigation focused on the alleged direct involvement of 69 members of the RPF, some of whom were high-ranking figures in the military. Foreign governments, such as those of the UK, France, Canada and the Netherlands initiated judicial proceedings against alleged Rwandan genocide suspects residing, sometimes under false identities, in their countries.

International Criminal Tribunal for Rwanda

Trials of prominent genocide suspects continued before the ICTR, which held 61 detainees at the end of 2007. Twenty-eight trials, involving multiple and single defendants, were ongoing. Eighteen suspects indicted by the ICTR were still at large. Since opening in 1996, the ICTR has rendered 32 definitive judgments. The ICTR was mandated by the UN Security Council to complete all trials by the end of 2008. In accordance with its completion strategy, the prosecutor proposed the transfer of three cases to European jurisdictions and five to Rwandan jurisdiction. Since its inception, the ICTR has tried only members and supporters of the government in place in April 1994. It did not fully implement its mandate by investigating all war crimes and crimes against humanity committed in 1994, notably those committed by the RPF.

Enforced disappearances

■ Augustin Cyiza, a prominent member of civil society, and Léonard Hitimana, a member of the Transitional National Assembly, were reportedly victims of enforced disappearance in 2003. Since then, officials have denied knowledge of their whereabouts, and have carried out no rigorous investigations into their disappearances.

Amnesty International reports

- [Rwanda: Freedom of expression under attack](#) (AFR 47/002/2007)
- [Rwanda: Give Dominique Makeli a trial or let him go \(postcard\)](#) (AFR 47/006/2007)
- [Rwanda: Fear for safety/Legal concern: François Xavier Byuma](#) (AFR 47/007/2007)
- [Rwanda: Abolition of the death penalty](#) (AFR 47/010/2007)
- [Rwanda: Suspects must not be transferred to Rwandan courts for trial until it is demonstrated that trials will comply with international standards of justice](#) (AFR 47/013/2007)
- [Rwanda: Genocide suspects must not be transferred until fair trial conditions met](#) (AFR 47/014/2007)