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Africa : Rwanda

REPUBLIC OF RWANDA

Head of state: Paul Kagame

Head of government: Bernard Makuza

Death penalty: retentionist

International Criminal Court: not signed

UN Women's Convention: ratified

Optional Protocol to UN Women's Convention: not signed

Overview - Covering events from January - December 2005

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Human rights organizations were prevented from working freely and activists were harassed and attacked. Journalists continued to face intimidation. Trials continued of people suspected of involvement in the 1994 genocide: some 36,000 of the more than 80,000 detainees awaiting trial were provisionally released in August. There were concerns about the fairness of some of the trials.

Background

During the first half of the year, Rwanda deployed peacekeeping troops in Sudan. In mid-2005, several prominent figures from various countries visited Kigali to pay tribute to the recovery of Rwanda after the genocide. Their statements were accompanied by new financial pledges. The UK announced plans in November to provide up to US\$83 million to assist the government in the areas of education, land reform and health. However, the international depiction of Rwanda contrasted greatly with the human rights situation on the ground.

Rwanda's relations with neighbouring Burundi, Uganda and the Democratic Republic of the



Rwanda

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Congo (DRC) improved slightly, despite the government's continued support for armed opposition groups operating in eastern DRC. Rwanda also continued to be responsible for arms trafficking to the DRC. Several multilateral meetings indicated that an unofficial agreement was emerging between leaders of the region to control, at least on a temporary basis, the activities of armed groups responsible for numerous human rights abuses.

Human rights work hampered

The humanitarian responsibility to prevent a recurrence of genocide or any other acts of ethnic hostility or violence was given by the authorities as the principal motive for putting into effect measures that suppressed individuals or bodies critical of government policy. A politically motivated report endorsed by parliament in 2004 adversely affected the work of human rights organizations. The parliamentary commission report had accused several institutions, including national and international non-governmental organizations (NGOs) and individuals, of supporting genocide or disseminating its principal tenets. Following the report several members of civil society, including staff of human rights organizations such as the League for the Promotion and Protection of Human Rights in Rwanda and the League for the Protection of Human Rights in the Great Lakes region, were forced to flee the country for fear of being persecuted or arbitrarily arrested.

During the year the Senate began disseminating a questionnaire to Rwandans and international organizations asking them to denounce any foreign individual or organization suspected of promoting "divisionism" or an "ideology of genocide". This, along with other government measures, continued to create a climate in which any criticisms or opposition were discredited.

Some human rights organizations were only able to work in extremely difficult conditions and under close scrutiny by the authorities. Their freedom was also affected by the law relating to non-profit associations, which stipulates that all NGOs in Rwanda must obtain an annual "certificate of registration" renewable from the Ministry of Local Government, Good Governance, Community Development and Social Affairs (Ministère de l'Administration Locale, Bonne Gouvernance, Développement Communautaire et Affaires Sociales, MINALOC). This certificate is granted on the basis of the organization's mission statement and annual report. The process allows the authorities to monitor the activities of NGOs and control their publications.

A MINALOC official told AI representatives that a Batwa association had its application rejected because it said it represented the Batwa community and therefore breached the law against "divisionism". In light of such rulings, some organizations censored themselves to obtain a certificate.

Human rights organizations were often told that they could not obtain certification because of slow administrative processes, even though other groups were successful within days.

The acquisition of a certificate did not ensure that human rights organizations could work independently. If they intended to address sensitive issues, they had to go through another process of authorization at the ministerial or local level. A local human rights organization working on land issues in the province of Kibungo did not receive the necessary authorization from the provincial authorities, even though MINALOC had issued it with a certificate of registration. The issue of land sharing remained one of the most sensitive in Kibungo. Similar difficulties were reported by an international NGO working in the same field.

Freedom of expression under attack

Despite the declaration by the Minister of Information in November that the press was free to work in Rwanda, journalists continued to face intimidation and harassment for articles criticizing government policy.

- On 7 September, Jean Léonard Ruganbage, a journalist for *Umuco*, an independent newspaper, was detained because of his investigation into the justice system and the gacaca, a community-based system of tribunals established by the government in 2002 to try people suspected of crimes during the 1994 genocide (see below).
- Bonaventure Bizumuremyi, editor of *Umuco*, was detained several times after September and his newspaper seized. He had published articles that criticized the governing party Rwandan Patriotic Front (Front Patriotique Rwandais) for coercing local co-operatives to fund it.

Human rights activists who spoke out faced physical and verbal attacks, and anonymous telephone calls accusing them of being "traitors". As a result, some were intimidated into silence, a phenomenon that was becoming increasingly widespread.

Genocide trials

At the beginning of 2005, more than 80,000 detainees awaited trial for their alleged participation in the 1994 genocide. The authorities had predicted that it would take several decades to process all the cases given the capacity of the judicial system. In August, 36,000 of the detainees were provisionally released on the grounds that they had confessed their involvement in the genocide. The decision to release some detainees was made in part to relieve the overcrowded conditions in the prison system, and in part to try detainees before gacaca tribunals where they would have to provide further information on the crimes of other perpetrators.

The gacaca system officially began in 2005 to gather information on crimes committed between 1 October 1990 and 31 December 1994. The department of gacaca jurisdiction declared that more than 760,000 people could be prosecuted (one in four of the adult population) and that the process should be completed by 2007. This intention to process cases as quickly as possible increased suspicion about the fairness of the gacaca system. Some decisions made by gacaca tribunals cast doubt on their impartiality.

- Guy Theunis, a Belgian Catholic priest, was arrested on 6 September at Kigali Airport for his alleged role in the 1994 genocide and was taken before a gacaca court within five days. He was accused of inciting ethnic hatred and masterminding killings in a church in Kigali. After weeks of diplomatic negotiations with the Belgian authorities, Guy Theunis was transferred to Belgium on 20 November and the Belgian judicial authorities began investigating charges brought against him in Rwanda.

There was widespread distrust of the gacaca system. Some Rwandans feared being exposed for their involvement in the genocide by the gacaca tribunals. Others feared that the tribunals could be used by individuals to resolve personal conflicts or to make economic gain.

Refugees

Thousands of Rwandans fled to neighbouring countries, apparently for reasons including fear of the gacaca system, suspicion of the authorities and rumours of politically motivated "disappearances". In April, on the 11th anniversary of the genocide, thousands of Rwandans fled to Burundi and Uganda. At the end of the year, more than 7,000 Rwandans remained in exile in Burundi (see Burundi entry).

International Criminal Tribunal for Rwanda

Trials of prominent genocide suspects continued before the International Criminal Tribunal for Rwanda (ICTR), which held 60 detainees at the end of 2005.

Five trials involving 20 defendants continued from previous years, and five new trials involving seven defendants began in 2005. Two judgments were given: one defendant received a six-year prison sentence and another received life imprisonment.

One suspect surrendered himself to the ICTR in Tanzania and was later transferred to the Hague for detention pending his trial on charges of genocide, conspiracy to commit genocide and complicity in genocide. Another suspect was arrested in Gabon. In addition to the same crimes, he was charged with direct and public incitement to commit genocide and persecution as a crime against humanity.

The ICTR continued to work under a UN Security Council deadline to finish trials by the end of 2008 and appeals by 2010. The Tribunal may transfer some case files to the Rwandan authorities to meet this deadline. The ICTR's President estimated that 65-70 cases would have been completed by 2008.

Update: Augustin Cyiza and Léonard Hitimana

Augustin Cyiza, a former military officer and a prominent member of civil society, and Léonard Hitimana, a member of parliament, were among opposition activists who "disappeared" in 2003 in the run-up to elections. The authorities continued to state that the men left the country to join the Democratic Liberation Forces of Rwanda (Forces Démocratiques de Libération du Rwanda), an armed group operating in the DRC. No investigation into their "disappearance" was opened and the authorities continued to ignore requests for information from the UN High Commissioner for Human Rights and the Inter-Parliamentary Union. It appears that the two men were abducted and killed in Rwanda.

AI country visits

AI delegates visited Rwanda in May to investigate the issue of land restitution for refugees

and internally displaced persons, and in November to monitor the human rights situation.

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