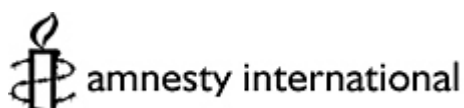


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Amnesty International Report 2009 - Rwanda

Head of state: Paul Kagame
Head of government: Bernard Makuza
Death penalty: abolitionist for all crimes
Population: 10 million
Life expectancy: 45.2 years
Under-5 mortality (m/f): 199/173 per 1,000
Adult literacy: 64.9 per cent

The government continued to reform the judicial system, but the International Criminal Tribunal for Rwanda (ICTR) in Tanzania declined to transfer cases to Rwanda, citing fair trial concerns, especially protection of witnesses. Legislative elections reaffirmed the political dominance of the Rwandan Patriotic Front (RPF), the ruling political party. Freedom of expression was limited and civil society and the media were under close scrutiny by the government. Four former combatants of the Rwandan Patriotic Army (RPA), the armed wing of the political movement, were tried for murder in a military court. No other charges were brought against members of the RPA for crimes under international law committed before, during and after the genocide.

Background

The RPF continued to dominate all levels of political life in Rwanda, from the executive down to the local administration.

The government reacted with hostility to criticism. Donor governments were locked into a close relationship with the Rwandan authorities and did not for the most part challenge or criticize them openly, preferring a policy of soft diplomacy. Governments were however critical when a UN report found that Rwanda was supporting a rebel group in eastern Democratic Republic of the Congo, leading to a withdrawal of aid from the Netherlands and Sweden in December.

Significant economic growth was reported by the government in 2008. Donor governments provided considerable support; one development agency estimated that approximately 50 per cent of the national budget came from foreign aid. The same agency reported an overall reduction in poverty, including improvements in health and

education. However, despite this overall reduction, the poor remained marginalized and inequalities between the urban elite and the rural poor reportedly grew.

Kigali showed signs of rapid urbanization, following the expropriation of land for urban reconstruction. Some Kigali residents complained that they had received inadequate compensation.

The National Assembly amended the Constitution to give former Presidents immunity from prosecution for life, including for crimes under international law. Another amendment reduced judge's tenure of office from life to four years, potentially compromising the independence of the judiciary.

Legislative elections in September were monitored by the EU Election Observation Mission to Rwanda, whose preliminary findings noted a lack of real political debate during the pre-election period and certain irregularities. The two main opposition parties, the Social Democratic Party and the Liberal Party, were allied to the RPF. Local election monitors stated that the voter turn-out of 98 per cent was indicative of coercion. They also stated that local results consistently gave the RPF well over 95 per cent, and that consolidated national results giving the RPF 78.9 per cent were deliberately lowered to lend the elections greater credibility.

The report of the Mucyo Commission, set up in 2006 by the Rwandan government to investigate the role of France in the 1994 genocide, was published on 5 August 2008. The report alleged the involvement of 33 current and former French political and military figures in the genocide. The Prosecutor General stated on 15 November that the authorities were ready to indict 23 of those named. The Mucyo report followed an investigation instituted by a French judge into the shooting down in 1994 of a plane whose passengers included President Juvénal Habyarimana of Rwanda, President Cyprien Ntaryamira of Burundi and three French nationals. The French judge issued international arrest warrants on 17 November 2006 against nine leading members of the RPF for shooting down the plane. Rose Kabuye, Chief of Protocol for President Kagame, was arrested on 9 November 2008 in Frankfurt, Germany. She was transferred to France and charged with "complicity in murder in relation to terrorism".

Freedom of expression – the media

Freedom of expression remained severely limited. Journalists critical of the government were closely monitored by the authorities. Foreign journalists and Rwandan journalists working for foreign newspapers were prevented on several occasions from entering Rwanda or attending official events.

- On 2 May, the editors of three newspapers were turned away from the World Media Celebration Day (a day to coincide with Press Freedom Day), by order of the Information Minister.

On 18 August, the Information Minister threatened to close the BBC and Voice of America broadcasts in national languages and accused the two broadcasters of lies and exaggeration.

Human rights defenders

Human rights work remained strictly controlled and limited by the government. There was little or no space for domestic human rights organizations critical of the government, and human rights defenders and other members of civil society generally applied self-censorship to avoid confrontation with the authorities.

- Some election observers from a local NGO were prevented from carrying out their work by the authorities. The organization issued a public statement in September

alleging that the election process was marred by irregularities.

Prisoner of conscience

Charles Ntakirutinka, a former government minister, remained in Kigali Central Prison, serving a 10-year sentence. He had been convicted, in an unfair trial, of inciting civil disobedience and association with criminal elements.

International justice

International Criminal Tribunal for Rwanda

The ICTR was to finish all first-instance trials by the end of 2008 and complete all work by 2010, according to UN Security Council Resolution 1503. This deadline became unfeasible, given the 28 detainees on trial and the nine accused awaiting trial. In July, the UN Security Council extended the terms of the Trial Chamber and its judges until 31 December 2009.

Four requests by the Rwandan Prosecutor General for cases to be transferred from the ICTR to Rwanda were rejected on the basis that the accused were at risk of being subjected to an unfair trial. The four decisions cited reports that defence witnesses inside and outside Rwanda risk being rejected by their community, mistreated, arrested, detained, beaten, tortured and in some cases killed. In this context, the presiding judges voiced concern that the accused would have limited ability to call defence witnesses to trial.

The 2007 transfer law abolished capital punishment and replaced it with life imprisonment in solitary confinement, commonly considered as a violation of Article 7 of the International Covenant of Civil and Political Rights. The ICTR decisions ruled that the application of life in solitary confinement as punishment would prevent the transfer of the cases to Rwanda. The Rwandan Parliament passed a law on 3 November to prohibit solitary confinement for transfer cases.

Criticism of universal jurisdiction

At the AU summit in June, President Kagame criticized abuse of the principles of universal jurisdiction in response to arrest warrants issued in France and Spain against leading RPF members. The AU summit called for an international regulatory body "to review and/or handle complaints or appeals arising out of abuse of the principle of universal jurisdiction" by states.

Genocide suspects living abroad

Judicial proceedings against genocide suspects took place in Belgium, Canada, France and the Netherlands. Extradition hearings against genocide suspects in Sweden, Germany and Norway were continuing. A genocide suspect was detained in Finland and it remained unclear whether he would be extradited to Rwanda. During the year, France refused an extradition request made by Rwanda. In the UK, the Home Secretary ruled that four genocide suspects in the UK should be extradited to Rwanda. The suspects all lodged appeals.

Justice system

At the end of December, Rwanda's prisons contained 59,532 people. Of these, 37,277 people had been accused of genocide and 22,321 of other offences. Most pre-trial detainees were being held on ordinary criminal charges, not genocide-related charges.

The international community supported the government in reforms of the justice system, including training judicial staff, training the Rwandan Bar Association and developing information management systems for prisons.

Gacaca proceedings

In October, an estimated 10,000 category one cases were pending before gacaca courts, whose procedures fail to meet international standards of fair trial. Category one cases involve the planners, organizers, instigators and supervisors of the genocide. Of these, at least 6,000 were rape cases which were transferred to category one in May 2008.

Gacaca trials were reportedly marred by false accusations and corruption. In addition, defence witnesses were reluctant to come forward because they feared that the authorities would level false accusations against them.

- On 21 January, a gacaca judge in Karana sector was accused of trying to bribe a prosecution witness. The case was at the appeal stage and the accused had been sentenced to 27 years' imprisonment.

Impunity

War crimes and crimes against humanity committed by the RPF and RPA before, during and after the genocide remained largely unprosecuted.

- In an isolated case, four former RPA officers were tried for the killing of 13 members of the Roman Catholic clergy in Kabgayi district in June 1994. The investigation was undertaken jointly by the Rwandan prosecution and the ICTR. On 24 October the Military Tribunal of Kigali sentenced two captains, who pleaded guilty, to eight years' imprisonment. The other two were acquitted.

Law on 'genocidal ideology'

A new law criminalizing "genocidal ideology", whose terms are vague and ambiguous, was promulgated on 1 October. The offence is punishable by 10 to 25 years' imprisonment. This law could potentially stifle freedom of expression, and restrict the ability of the accused to put forward a defence in criminal trials.

Rights of lesbian, gay, bisexual and transgender people

The government was hostile towards the lesbian, gay, bisexual and transgender (LGBT) community, whose members faced harassment and intimidation. In March, two female LGBT activists were accused of forging documents and detained for two weeks after attending a LGBT conference in Mozambique. They were subsequently released.

The National Assembly was considering an amendment to the Penal Code which would criminalize consensual same-sex sexual relationships.

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