



# SETTING THE SCENE FOR ELECTIONS

TWO DECADES OF SILENCING DISSENT IN RWANDA

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*Cover photo: A Rwandan boy peers into a polling station in the capital Kigali on 16 September 2013 as parliamentary elections kicked off.*

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# 1. EXECUTIVE SUMMARY

Rwandans will go to the polls on 4 August 2017 to elect their next president.<sup>1</sup> While at least five opposition candidates are seeking to challenge incumbent President Paul Kagame of the ruling Rwanda Patriotic Front (RPF) in the upcoming elections, many Rwandan and international observers expect him to be re-elected for a third term.<sup>2</sup>

Opposition politicians, journalists and human rights defenders have faced severe restrictions on their rights to freedom of expression, association and peaceful assembly over many years. They have been jailed, physically attacked – even killed – and forced into exile or silence. The climate in which the upcoming elections will take place is the culmination of years of repression. Prior human rights violations and unresolved cases of murders and disappearances continue to have a chilling effect on the current political and human rights context. Those who might seek to speak out think twice before taking the risk.

More recent cases – such as the disappearance of opposition activist Illuminée Iragena in March 2016; the arrest of Violette Uwamahoro, the wife of an opposition activist in exile, in February 2017; and the brutal killing of Jean-Damascene Habarugira in May 2017 – illustrate the continued risks facing opposition activists, their families and associates.

This briefing draws on primary research by Amnesty International and others on the status of the rights to freedom of expression, association and peaceful assembly in Rwanda from 1995 to date. The more recent research has been conducted through a combination of interviews with family members, colleagues and other sources with information on individual cases, as well as a review of relevant public statements, court documents, legislation, regulations and media reports. While no study of this length can be comprehensive, it demonstrates patterns of harassment, threats and attacks against opposition politicians, journalists and human rights defenders and highlights a large number of emblematic cases of violations against individuals and organizations. Focusing on the internal political context, this briefing does not discuss the situation of external opposition groups, such as the Rwanda National Congress or the Ishema Party.

Legislative reforms have promised positive progress in recent years, including moves towards media self-regulation, a tightening of the definition of the crime of genocide ideology, and the possibility of longer-term registration for international non-governmental organizations. These reforms have not, however, fundamentally changed the overall environment in which civil society, the media and political opposition operate.

As this briefing demonstrates, many Rwandans have faced severe consequences for trying to claim their rights to participate in public life. While Rwanda has made significant progress under RPF administrations since 1994 in terms of its economic growth and development, and in providing peace and security, all citizens should be able to have a voice in their country's future development.

Amnesty International calls on the Government of Rwanda to take concrete steps to foster an environment where all Rwandans can express their legitimate views without fear of repercussions. The Government of Rwanda should initiate fundamental reforms so that the presidential election in 2024 can take place in a

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<sup>1</sup> Rwandans abroad will vote on 3 August 2017.

<sup>2</sup> See, for example, *The Daily Nation (Kenya)*, 'Stark differences between the Kenyan and Rwandan elections', 25 June 2017, [www.nation.co.ke/news/africa/-Kenyan-and-Rwandan-elections/1066-3986520-6h1rx6z/index.html](http://www.nation.co.ke/news/africa/-Kenyan-and-Rwandan-elections/1066-3986520-6h1rx6z/index.html); *The East African*, 'With little opposition, Kagame to win in 2017', 18 June 2016, [www.theeastafrican.co.ke/news/With-little-opposition-Kagame-to-win-in-2017-/2558-3256038-h4s7vk/index.html](http://www.theeastafrican.co.ke/news/With-little-opposition-Kagame-to-win-in-2017-/2558-3256038-h4s7vk/index.html); Brookings Institute, 'Foresight Africa 2017: Election spotlight on Rwanda', 30 January 2017, [www.brookings.edu/blog/africa-in-focus/2017/01/30/foresight-africa-2017-election-spotlight-on-rwanda/](http://www.brookings.edu/blog/africa-in-focus/2017/01/30/foresight-africa-2017-election-spotlight-on-rwanda/); Voice of America, 'EU Official in Rwanda Predicts Kagame Election Victory', 5 May 2017, [www.voanews.com/a/eu-official-in-rwanda-predicts-kagame-election-victory/3839078.html](http://www.voanews.com/a/eu-official-in-rwanda-predicts-kagame-election-victory/3839078.html)

context of full respect for human rights, genuine debate and where diverse opinions may be expressed. It should start by demonstrating its commitment to this by preventing restrictions on, or harassment of, opposition candidates and their supporters in the forthcoming August 2017 elections, and by committing to establishing an independent judicial investigative mechanism into serious violations past and present.

# 2. BACKGROUND

## 2.1 A BRIEF HISTORY OF ELECTIONS IN POST-GENOCIDE RWANDA

In July 1999, the National Assembly approved a four-year extension of the Transitional Government of National Unity (GNU) that was put in place by the RPF in July 1994 following the end of the genocide. The GNU was governed by the Fundamental Law, which encompassed the 1991 Constitution, the Arusha Peace Accords, the RPF Declaration of 17 July 1994 and a memorandum of understanding between the eight participating political parties.<sup>3</sup> Local-level elections for cell and sector councils that took place earlier that year, as well as district-level elections that took place in 2001, were seen as testing the waters for democratic transition before direct elections planned at the national level in 2003.<sup>4</sup> The 1999 and 2001 elections were run on a non-party basis with candidates standing as individuals and campaigning by political parties was not allowed. In 2001 candidates were vetted by the National Electoral Commission (NEC), whose members were nominated by government officials. Voters' choice was limited with 45% of the electoral contests having a single candidate and 81% of those elected being incumbents previously appointed by the government.<sup>5</sup>

The end of the post-genocide transition period was marked by the adoption of a new constitution in 2003. In a referendum held on 26 May 2003, it was approved by 93% of voters, with almost 90% of those registered turning out to vote.<sup>6</sup>

The first elections under the new Constitution were held just months later, with the presidential election on 25 August 2003, followed by parliamentary elections between 29 September and 2 October 2003. The European Union (EU) Election Observation Mission (EUEOM) expressed concern that “the climate gradually deteriorated during the [presidential] election campaign and cases of intimidation of supporters of [opposition candidate, Faustin] Twagiramungu and pressure on voters to vote for Kagame were noted. The accusation of ‘divisionism’<sup>7</sup> became a widespread argument.” While congratulating the Rwandan people for the lack of violent incidents on Election Day, the mission also noted a number of other irregularities,

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<sup>3</sup> Republic of Rwanda, Single Report Equal to Fourth, Fifth and Sixth Reports on the Implementation of the Convention on the Elimination of All Forms of Discrimination Against Women, July 2007, [www.migeprof.gov.rw/fileadmin/migrated/content\\_uploads/CEDAW\\_Report-2.pdf](http://www.migeprof.gov.rw/fileadmin/migrated/content_uploads/CEDAW_Report-2.pdf), p. 4

<sup>4</sup> The village is the smallest, most local-level administrative unit in Rwanda. The next level up is the cell administration, followed by the sector, and then the district. District councils are the policy-making and legislative body that determine development plans at the district level. There are 30 districts in Rwanda, and they are the primary local authorities. Sector councils are political organs for policy decision making. The sector councils' responsibilities include approval of sector plans and action programmes and ensuring they are implemented. There are over 2,000 cell councils in the country and almost 15,000 village councils. At this very local level, the cell and village councils are elected to discuss and prioritize issues and take decisions on behalf of the electorate. Commonwealth Local Government Forum, ‘Country Profile – the Local Government System in Rwanda’, [www.clgf.org.uk/default/assets/File/Country\\_profiles/Rwanda.pdf](http://www.clgf.org.uk/default/assets/File/Country_profiles/Rwanda.pdf)

<sup>5</sup> Amnesty International, *Annual Report 2002* (Index: POL 10/0001/2002)

<sup>6</sup> International Foundation for Electoral Systems (IFES), Election Guide, Republic of Rwanda Referendum, 26 May 2003, [www.electionguide.org/elections/id/48/](http://www.electionguide.org/elections/id/48/)

<sup>7</sup> Since 2003, the Rwandan government has campaigned against “divisionism” and “genocide ideology”. As the Government of Rwanda acknowledged in its State Report to the African Commission on Human and Peoples' Rights in 2009, there is no particular law defining the offence of “divisionism”, but explains that “the term however, is closely linked to discrimination and sectarianism” – whose definitions are found in the Law No. 47/2001 on 18/12/2001 on Prevention, Suppression and Punishment of the Crimes of Discrimination and Sectarianism. Divisionism is though generally understood as the use of any speech, written statement or action that is likely to divide people or spark conflicts among people, or cause an uprising which might degenerate into strife among people based on discrimination. It is thus considered illegal to do anything that is tantamount to divisionism based on race, tribal, ethnic, religion or region in Rwanda.” (Rwandan Republic, Ministry of Justice, The 9th and 10th Periodic Report of the Republic of Rwanda Under the African Charter on Human and People's Rights, period covered by the report 2005 – July 2009, July 2009, p. 22). The sweeping and imprecise nature of the “sectarianism” law does not meet the requirements of legality in international human rights law, because it is not formulated precisely enough for individuals to know how to regulate their conduct to avoid breaking the law.

including that the “massive and intimidating presence of representatives of Kagame's party was observed in polling stations.”<sup>8</sup> Paul Kagame was elected president with 95.5% of the vote, according to the National Electoral Commission.<sup>9</sup> The RPF-led coalition<sup>10</sup> won the parliamentary elections with almost 74% of the vote.<sup>11</sup>

In the 2008 parliamentary elections, the RPF-led coalition again won by a large margin, according to the official result which gave the RPF coalition 78.8% of the vote and 42 seats in Parliament.<sup>12</sup> Sampling carried out by the EUEOM suggested that the actual result was an overwhelming win for the RPF with 98.4% of the popular vote. The EUEOM's unpublished findings implied that the results were altered to give the impression of a more pluralistic democracy than in reality.<sup>13</sup>

Paul Kagame was re-elected in the 2010 presidential elections with 93% of the vote, as announced by the National Electoral Commission<sup>14</sup>; in the 2013 parliamentary elections, the RPF-led coalition received 76% of votes cast.<sup>15</sup>

In 2015, more than 3.7 million people petitioned Parliament to lift the two-term presidential term limit to allow President Kagame to stand for a third term in 2017. The Supreme Court rejected a petition brought by the Democratic Green Party of Rwanda – the only registered political party that will contest the RPF-led coalition in the forthcoming elections – challenging the legality of amending the Constitution. The Chamber of Deputies and the Senate voted in favour of reducing the presidential term from a seven to a five-year term renewable once, as well as a provision that would allow the President in place at the time of the amendment to stand for an additional seven-year term. The revised Constitution was adopted with over 98% approval in a referendum on 18 December 2015.<sup>16</sup>

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<sup>8</sup> European Union Election Observation Mission, Preliminary Statement, 27 August 2003, reproduced in Report of the European Parliament ad-hoc delegation to observe the presidential election in Rwanda on Monday 25 August 2003,

[www.europarl.europa.eu/intcoop/election\\_observation/missions/20030825\\_rwanda\\_en.pdf](http://www.europarl.europa.eu/intcoop/election_observation/missions/20030825_rwanda_en.pdf)

<sup>9</sup> Agence France-Presse, 'Rwanda's Paul Kagame wins in landslide, opposition cries foul', 26 August 2003,

[www.terradaily.com/2003/030826213809.tiba6qrv.html](http://www.terradaily.com/2003/030826213809.tiba6qrv.html)

<sup>10</sup> In 2003, the RPF-led coalition consisted of the RPF-Inkotanyi and the Centrist Democratic Party (PDC), Ideal Democratic Party (PDI), Rwandan Socialist Party (PSR), and Democratic Union of Rwandan People (UDPR). In 2008 the RPF, PDC, PDI, UDPR and PSR were joined by Party for Progress and Concord (PPC) and Prosperity and Solidarity Party (PSP), and in 2013 its coalition partners were the PDC, PDI, PSR and PPC.

<sup>11</sup> Data provided by the National Electoral Commission cited by the Inter-Parliamentary Union, 'Rwanda: Parliamentary Chamber: Chambre des Députés: Elections Held in 2003', [www.ipu.org/parline-e/reports/arc/2265\\_03.htm](http://www.ipu.org/parline-e/reports/arc/2265_03.htm)

<sup>12</sup> EU Election Observation Mission, Rwanda 2008, Final Report on the Legislative Elections 15 – 18 September,

[www.eods.eu/library/FR%20RWANDA%202008\\_en.pdf](http://www.eods.eu/library/FR%20RWANDA%202008_en.pdf), pp. 41-42

<sup>13</sup> Timothy Longman, 'Limitations to Political Reform: The Undemocratic Nature of Transition in Rwanda', in *Remaking Rwanda: State Building and Human Rights after Mass Violence*, Scott Straus and Lars Waldorf (ed.s), pp. 40-41; Rachel Hayman, 'Funding Fraud? Donors and Democracy in Rwanda', in *Remaking Rwanda*, p. 118

<sup>14</sup> Commonwealth Secretariat, Report of the Commonwealth Observer Group – Rwanda Presidential Elections 9 August 2010, [www.oecd-ilibrary.org/commonwealth/governance/rwanda-presidential-elections-9-august-2010\\_9781848590977-en](http://www.oecd-ilibrary.org/commonwealth/governance/rwanda-presidential-elections-9-august-2010_9781848590977-en), p. 29

<sup>15</sup> International Foundation for Electoral Systems (IFES), Election Guide, Republic of Rwanda, Election for Rwandan Chamber of Deputies, [www.electionguide.org/elections/id/553/](http://www.electionguide.org/elections/id/553/)

<sup>16</sup> Amnesty International, *Annual Report 2015/16* (Index: POL 10/2552/2016)



Rwandan President Paul Kagame speaks to journalists after voting in Kigali on 18 December 2015 in a referendum to amend the constitution. © CYRIL NDEGEYA/AFP/Getty Images

## 2.2 2017 PRESIDENTIAL ELECTIONS

Frank Habineza, president of the Democratic Green Party of Rwanda, was confirmed as his party's candidate in March 2017.<sup>17</sup> In early June 2017, both the Liberal Party (PL) and the Social Democratic Party (PSD) announced their endorsement for Paul Kagame.<sup>18</sup> While not having been members of the official RPF coalition in parliament since 2003 (although they were part of the earlier Government of National Unity), PL and PSD do not offer real opposition to the RPF, preferring to avoid confrontational politics.<sup>19</sup>

Philippe Mpayimana, a published author and former journalist, announced in January 2017 that he would be standing as an independent candidate.<sup>20</sup> He returned to Rwanda from France in February. He had previously returned to the country in 2012 after 18 years, having given up his refugee status and reclaimed his Rwandan passport. In May, Diane Rwigara, daughter of the late influential businessman Assinapol Rwigara, also announced that she would stand as an independent candidate.<sup>21</sup> To stand as an independent candidate, individuals must provide a list of a minimum of 600 registered voters supporting his or her candidature, including at least 12 people from each district, with each voter's signature or thumbprint and full identifying details.<sup>22</sup>

<sup>17</sup> Democratic Green Party of Rwanda, 'DGPR Congress Confirmed Rwanda Presidential Candidate and Political Program', 21 March 2017, [www.rwandagreendemocrats.org/news/dgpr-congress-confirmed-rwanda-presidential-candidate-and-political-program](http://www.rwandagreendemocrats.org/news/dgpr-congress-confirmed-rwanda-presidential-candidate-and-political-program)

<sup>18</sup> *The New Times*, 'PL, PSD back Kagame for President', 5 June 2017, [www.newtimes.co.rw/section/read/213681/](http://www.newtimes.co.rw/section/read/213681/)

<sup>19</sup> *The East African*, 'Rwanda opposition shuns parliamentary election', 17 August 2013, [www.theeastafrican.co.ke/news/Rwanda-opposition-shuns-parliamentary-election-2558-1957576-y3w1eu/index.html](http://www.theeastafrican.co.ke/news/Rwanda-opposition-shuns-parliamentary-election-2558-1957576-y3w1eu/index.html)

<sup>20</sup> Philippe Mpayimana, 'Rwanda : Déclaration d'une candidature indépendante aux présidentielles de 2017', 1 January 2017, [blogs.mediapart.fr/philippe-mpayimana/blog/010117/rwanda-declaration-d-une-candidature-independante-aux-presidentielles-de-2017](http://blogs.mediapart.fr/philippe-mpayimana/blog/010117/rwanda-declaration-d-une-candidature-independante-aux-presidentielles-de-2017)

<sup>21</sup> *The East African*, 'Diane Rwigara joins race for Rwandan presidency', 3 May 2017, [www.theeastafrican.co.ke/news/Diane-Rwigara-joins-race-for-Rwandan-presidency/2558-3912862-wum95z/index.html](http://www.theeastafrican.co.ke/news/Diane-Rwigara-joins-race-for-Rwandan-presidency/2558-3912862-wum95z/index.html)

<sup>22</sup> Republic of Rwanda, Official Gazette n° Special of 19/06/2010, Law N° 27/2010 of 19/06/2010 relating to elections, [www.nec.gov.rw/uploads/media/tegeko\\_rigenga\\_amatora.pdf](http://www.nec.gov.rw/uploads/media/tegeko_rigenga_amatora.pdf)

The official period for nomination of presidential candidates was scheduled for 12-23 June 2017.<sup>23</sup> Paul Kagame, Frank Habineza, Diane Rwigara and Philippe Mpayimana all submitted their nomination documents to the NEC before the 23 June deadline, along with two other aspiring candidates, Gilbert Mwendata, an employee of USAID who also stood in the 2013 legislative elections, and Fred Barafinda Sekikubo, a relative unknown.<sup>24</sup> The NEC published the provisional list of qualified candidates on 27 June, and announced that Paul Kagame and Frank Habineza were qualified to stand as candidates in the election, while the four other nominees had failed to provide the full documentation required. They were given five days to complete their files. The final list of qualified candidates will be announced on 7 July.<sup>25</sup>



*Frank Habineza, leader of the Democratic Green Party, a Rwandan opposition party, speaks during a political bureau meeting on 17 December 2016 in Kigali, when he was nominated as candidate for the next presidential election in August 2017. © STEPHANIE AGLIETTI/AFP/Getty Images*

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<sup>23</sup> National Electoral Commission Presidential Election Calendar 2017, [nec.gov.rw/uploads/media/PRESIDENTIAL\\_ELECTIONS\\_CALENDAR\\_2017.pdf](http://nec.gov.rw/uploads/media/PRESIDENTIAL_ELECTIONS_CALENDAR_2017.pdf)

<sup>24</sup> *The East African*, 'Rwanda Polls: Candidates submit bids', 12 June 2017, [www.theeastafrican.co.ke/news/rwanda-poll-candidates-submit-bids/2558-3967274-qr2vh0/index.html](http://www.theeastafrican.co.ke/news/rwanda-poll-candidates-submit-bids/2558-3967274-qr2vh0/index.html)

<sup>25</sup> *The New Times*, 'NEC provisionally approves 2 candidates, final list set for July 7,' 28 June 2017, [www.newtimes.co.rw/section/read/215085/](http://www.newtimes.co.rw/section/read/215085/)

# 3. LIMITS ON POLITICAL SPACE

## 3.1 2003: THE FIRST POST-GENOCIDE ELECTIONS

Political tensions were already high in the years before the 2003 presidential and parliamentary elections, the first to be held following the 1994 genocide. Prohibiting the use of hate speech, and, in particular, speech that could amount to incitement to genocide is required under international law. However, the level of tight control over political space starting in the late 1990s and early 2000s has instead stifled the freedom to express a diverse range of views, well beyond the scope permissible under international law.

The International Covenant on Civil and Political Rights (ICCPR), to which Rwanda is a state party, guarantees the right to freedom of expression. There are some permissible restrictions but only if they are provided for by law and necessary to protect the rights of others, such as the right to be free from discrimination, and for the protection of national security, public order, public health and morals.<sup>26</sup> States must be able to demonstrate how any such restrictions are necessary and proportionate in response to one of the legitimate aims stated above (otherwise known as the three-part test). States are also required, under Article 20(2) of the ICCPR, to prohibit advocacy of hatred that constitutes incitement to hostility, discrimination or violence. However, any such prohibitions which result in restrictions on the right to freedom of expression must also comply with the three-part test. As the Human Rights Committee, established to oversee the implementation of the ICCPR by states parties has stated, “when a State party imposes certain restrictions on the exercise of freedom of expression, these may not put in jeopardy the right itself.”<sup>27</sup>

In January 2000, Joseph Sebarenzi was forced to resign as Speaker of the National Assembly and fled abroad, fearing for his safety. Pierre-Célestin Rwigema resigned as Prime Minister in February 2000. Pasteur Bizimungu resigned as President of Rwanda in March 2000 and was replaced in April by Paul Kagame. On the evening of 5 March 2000, Assiel Kabera, an advisor to Pasteur Bizimungu, was shot dead just after he arrived home. He had also worked closely with Joseph Sebarenzi and told relatives that he feared for his life after the latter fled the country.<sup>28</sup> While the government stated that an investigation took place, there have been no prosecutions and his family continues to seek justice.<sup>29</sup>

In May 2001, Pasteur Bizimungu and Charles Ntakirutinka, a former minister in Bizimungu’s government, attempted to launch a new political party, the Democratic Party for Renewal (PDR-Ubuyanja), but were forcibly prevented by police from holding a press conference to announce its formation.<sup>30</sup> The government refused to allow the party’s formation, and was backed by the Transitional National Assembly in this

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<sup>26</sup> ICCPR, Article 19(3)

<sup>27</sup> Human Rights Committee, General Comment 10 (1983), para. 4

<sup>28</sup> Amnesty International, *Amnesty International Report 2000 Updates, Selected events covering the period from January to May 2000, 14 June 2000*, [www.amnesty.org/download/Documents/140000/pol100052000en.pdf](http://www.amnesty.org/download/Documents/140000/pol100052000en.pdf); Amnesty International, ‘Rwanda: Number of Prisoners of Conscience on the Rise’, 6 June 2002, [www.amnesty.org/en/documents/afr47/002/2002/en/](http://www.amnesty.org/en/documents/afr47/002/2002/en/); Amnesty International, ‘Rwanda: Prisoner of Conscience Released after Decade in Detention’ (Index: AFR 47/002/2012); Human Rights Watch, Rwanda: The Search for Security and Human Rights Abuses, April 2000, [www.hrw.org/reports/2000/rwanda/Rwan004-07.htm#TopOfPage](http://www.hrw.org/reports/2000/rwanda/Rwan004-07.htm#TopOfPage)

<sup>29</sup> US Department of State, Country Reports on Human Rights Practices: Rwanda 2000, 23 February 2001,

[www.state.gov/drl/rls/hrrpt/2000/af/720.htm](http://www.state.gov/drl/rls/hrrpt/2000/af/720.htm); Assiel Kabera Memorial Site, ‘Search for Justice,’ [www.akmemorialsite.com/search-for-justice-2/](http://www.akmemorialsite.com/search-for-justice-2/)

<sup>30</sup> US Department of State, Country Reports on Human Rights Practices: Rwanda 2001, 4 March 2002, [www.state.gov/drl/rls/hrrpt/2001/af/8398.htm](http://www.state.gov/drl/rls/hrrpt/2001/af/8398.htm)

decision. Minister for Local Government, Desire Nyandwi, stated that no new party should be allowed to form during the transitional government, and accused the PDR-Ubuyanja of planning to promote divisions among the population.<sup>31</sup> The right to form political parties was allowed under the 1991 Law on Political Parties.<sup>32</sup> On 26 December 2001, one of the founders of PDR-Ubuyanja party, Gratién Munyarubuga, a taxi driver, was shot dead in Kigali by two unidentified assailants who had entered his taxi as passengers, suspected to be government agents, after reportedly receiving death threats from the police. The investigation was seriously flawed and there was no prosecution.<sup>33</sup> Pasteur Bizimungu and Charles Ntakirutinka were arrested in April 2002, and convicted in 2004 after an unfair trial. Charles Ntakirutinka was convicted of “inciting civil disobedience” and “association with criminal elements” and served a 10-year jail term.<sup>34</sup> Pasteur Bizimungu was sentenced to 15 years for inciting civil disobedience, associating with criminal elements and embezzlement of state funds, but was released in 2007 after requesting a pardon from President Kagame.<sup>35</sup>

The main opposition candidate in the 2003 presidential election was Faustin Twagiramungu, the first post-genocide prime minister. Along with four other ministers, Twagiramungu had resigned from government in August 1995 complaining that he had no real authority and left the country.<sup>36</sup> The former Interior Minister Seth Sendashonga who fled at the same time was assassinated in Nairobi in 1998.<sup>37</sup> In 2003, Faustin Twagiramungu returned to run as an independent candidate. His former party, the Mouvement Démocratique Républicain (Democratic Republican Movement, MDR), had been banned and the newly formed political group supporting him, the Alliance for Democracy, Equity and Progress (ADEP-Mizero), had been denied legal status on the basis that it was receiving foreign funding and was not in line with the Constitution.<sup>38</sup>

On 15 April 2003, a month before the referendum on the post-transition Constitution, Parliament voted to dissolve the MDR after overwhelmingly approving a parliamentary commission report that accused the party of propagating a “divisive” ideology. Security forces had compiled reports of clandestine meetings allegedly held by the MDR in the Kigali and Cyangugu areas to promote vaguely defined “divisive” ideology. Forty-seven individuals, not all from the MDR, were named in the report, including two government ministers, five deputies in the Transitional National Assembly, three high-ranking military officers and an ambassador. One of the parliamentarians named in the report, Dr. Leonard Hitimana, disappeared on 7 April. A few months earlier, he had received a Tribute to Courage from African Rights for his work saving lives during the genocide.<sup>39</sup> Two high-ranking military officers named in the report, former Minister of Defence, Brigadier-General Emmanuel Habyarimana and the Army Representative to Parliament, Lieutenant-Colonel Balthazar Ndengeyinka both fled the country on 30 March, apparently afraid for their safety.<sup>40</sup>

The parliamentary commission was the first in a series of four, from 2003 to 2008, which investigated allegations of “divisionism” and “genocide ideology” and involved public denunciations of hundreds of Rwandans as well as both Rwandan and international organizations. As judicial proceedings rarely followed these denunciations, many of the accused were left without any opportunity to clear their names. The commissions promoted expansive interpretations of “divisionism” and “genocide ideology” through which dissenting voices and speech permitted by international human rights treaties have been criminalized. The 2003 parliamentary commission interpreted “divisionism” to include opposition to government policies.<sup>41</sup>

Around the same period, Augustin Cyiza, a Hutu former army officer who had opposed the genocide and saved Tutsi lives, Vice-President of the Supreme Court, President of the Cassation Court, and founding member of two human rights organizations, disappeared on 23 April 2003. He was accused of being in

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<sup>31</sup> IRIN News, ‘Parliament upholds ban on Bizimungu’s party’, 28 June 2001, [www.irinnews.org/fr/node/191824](http://www.irinnews.org/fr/node/191824); Human Rights Watch, ‘Preparing for Elections: Tightening Control in the Name of Unity’, May 2003, [www.hrw.org/legacy/backgrounder/africa/rwanda0503bck.pdf](http://www.hrw.org/legacy/backgrounder/africa/rwanda0503bck.pdf) p. 13

<sup>32</sup> Law No. 28/91 of 18 June 1991 on Political Parties

<sup>33</sup> Human Rights Watch, ‘Rwanda: Opposition Politician Shot, Others Detained’, 9 January 2002, [www.hrw.org/legacy/english/docs/2002/01/09/rwanda3455\\_txt.htm](http://www.hrw.org/legacy/english/docs/2002/01/09/rwanda3455_txt.htm)

<sup>34</sup> Amnesty International, ‘Rwanda: Prisoner of Conscience Released after Decade in Detention’ (Index: AFR 47/002/2012) (hereinafter Amnesty International, ‘Rwanda: Prisoner of Conscience Released after Decade in Detention’)

<sup>35</sup> Amnesty International, ‘Rwanda: Prisoner of Conscience Released after Decade in Detention’

<sup>36</sup> Timothy Longman, ‘Limitations to Political Reform: The Undemocratic Nature of Transition in Rwanda’, in *Remaking Rwanda: State Building and Human Rights after Mass Violence*, Scott Straus and Lars Waldorf (ed.s), p. 32

<sup>37</sup> Amnesty International, ‘Kenya: Inquiry into assassination of Rwandese opposition leader in exile urgently needed’, 18 May 1998, [www.amnesty.org/en/documents/AFR32/016/1998/en/](http://www.amnesty.org/en/documents/AFR32/016/1998/en/)

<sup>38</sup> Amnesty International, ‘Rwanda: Further Information on UA 259/03’ (Index: AFR 47/011/2003); Amnesty International, ‘Detention without charge / Incommunicado detention / Possible prisoners of conscience’ (Index: AFR 47/012/2003)

<sup>39</sup> Inter-Parliamentary Union, ‘Leonard Hitimana, Rwanda’, 26 May 2014, [beta.ipu.org/news/features/human-rights-cases/2014-05/leonard-hitimana-rwanda](http://beta.ipu.org/news/features/human-rights-cases/2014-05/leonard-hitimana-rwanda); Front Line Rwanda, *Disappearances, Arrests, Threats, Intimidation and Co-option of Human Rights Defenders 2001 – 2004*, March 2005, [www.leitnercenter.org/files/Publications/FrontLineRwandaReport.pdf](http://www.leitnercenter.org/files/Publications/FrontLineRwandaReport.pdf), p. 14

<sup>40</sup> Amnesty International, ‘Rwanda: Escalating Repression against Political Opposition’, 21 April 2003, [www.amnesty.org/en/documents/afr47/004/2003/en/](http://www.amnesty.org/en/documents/afr47/004/2003/en/)

<sup>41</sup> Amnesty International, *Safer to Stay Silent: The Chilling Effect of Rwanda’s Laws on ‘Genocide Ideology’ and ‘Sectarianism’*, (Index: AFR 47/005/2010), p. 11

league with Pasteur Bizimungu, and in the week before his enforced disappearance had been called to President Kagame's office. He disappeared along with Elizer Runyaruka, a law student and cantonal judge. The Rwandan police claimed that his car was left either at the Ugandan border or in Nkumba district.<sup>42</sup> A government report into his disappearance suggested he had joined the genocidal former national army, the FAR, in the Democratic Republic of Congo, but provided scant information on how the investigations were conducted or how the credibility of this assertion was assessed given his past opposition to the genocide.<sup>43</sup> In 2013, Augustin Cyiza's family filed a complaint with the Rwandan Attorney General in which they claimed that no investigation had been made into his disappearance.<sup>44</sup>

Opposition candidates and supporters faced harassment and intimidation before, during and after the 2003 electoral campaigns, and there were consistent reports of voter intimidation by RPF supporters on polling day itself and in the lead-up. The authorities used a variety of intimidation tactics to undermine support for the opposition during the campaign period. Faustin Twagiramungu was forced to interrupt his campaign for several days in the week before the presidential election in response to death threats made against his driver and personal assistant by state security officers. The police seized his campaigning leaflets on the basis that they were intended to sow ethnic division and he was impeded from booking venues for campaign events across the country.<sup>45</sup> As the Economist newspaper described at the time, he "could do little more than hand out his business cards".<sup>46</sup>

Individuals who signed their names to the official list endorsing Faustin Twagiramungu's candidacy were subject to harassment. Suspected opposition supporters were reportedly detained and then released on the condition that they renounce their affiliation with opposition parties and display RPF insignia. The pro-government media ran a smear campaign against Faustin Twagiramungu. There were reports from around the country of individuals being detained and occasionally beaten before and after the elections as a result of their alleged support for Faustin Twagiramungu.<sup>47</sup>

Léonard Kavutse, a former Member of Parliament and founding member of ADEP-Mizero, was arrested on 19 August 2003, a few days before the election. On 28 August, he made a televised statement that he had written a letter to presidential candidate Faustin Twagiramungu, accusing the RPF of being a criminal organization, and that the language used in the letter might incite the population to violence. Amnesty International believes that he was coerced to make this statement in order to discredit Faustin Twagiramungu.<sup>48</sup> In May 2005, the High Court found him guilty of "divisionism" and sentenced him to two years in prison, despite him telling the court that he had confessed after torture.<sup>49</sup>

## 3.2 2010 ELECTIONS

Political tensions increased again in the run-up to presidential elections in 2010. Accusations of "divisionism" and "genocide ideology", based on vaguely worded legislation continued to be used to stifle legitimate dissent. While the 2003 Constitution committed Rwanda to "fighting the ideology of genocide and all its manifestations", it was not until 2008 that specific legislation was passed criminalizing it. Prohibiting hate speech is a legitimate aim. The definition of genocide ideology in the 2008 law was, however, so broadly conceived that many people Amnesty International interviewed, including Rwandan lawyers and human rights defenders, were unable to precisely define "genocide ideology". Even judges noted that the law was broad and abstract.<sup>50</sup> This inevitably contributed to a chilling effect on political debate in the country.

In response to such criticism, the law was reviewed and replaced in 2013 with an amended version, with a more specific definition of the crime of genocide ideology as "any deliberate act, committed in public

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<sup>42</sup> Amnesty International, 'Rwanda: Further Information on Fear for Safety/Possible "Disappearance"/Incommunicado Detention', (Index: AFR 47/003/2004)

<sup>43</sup> Front Line Rwanda, *Disappearances, Arrests, Threats, Intimidation and Co-optation of Human Rights Defenders 2001 – 2004*, March 2005, [www.leitnercenter.org/files/Publications/FrontLineRwandaReport.pdf](http://www.leitnercenter.org/files/Publications/FrontLineRwandaReport.pdf), pp. 14-15

<sup>44</sup> SAPA-AFP, 'Rwandan ex-judge's family want answers,' 10 April 2013, [www.iol.co.za/news/africa/rwandan-ex-judges-family-want-answers-1498481](http://www.iol.co.za/news/africa/rwandan-ex-judges-family-want-answers-1498481)

<sup>45</sup> Amnesty International, 'Rwanda: Run-up to presidential elections marred by threats and harassment', 22 August 2003, [www.amnesty.org/download/Documents/100000/afr470102003en.pdf](http://www.amnesty.org/download/Documents/100000/afr470102003en.pdf)

<sup>46</sup> *The Economist*, 'Kagame won, a little too well', 28 August 2003, [www.economist.com/node/2023062](http://www.economist.com/node/2023062)

<sup>47</sup> Amnesty International, 'Rwanda: Run-up to presidential elections marred by threats and harassment', 22 August 2003, [www.amnesty.org/en/documents/afr470102003en.pdf](http://www.amnesty.org/en/documents/afr470102003en.pdf)

<sup>48</sup> Amnesty International, 'Rwanda: Further Information on Detention Without Charge /Incommunicado Detention / Possible Prisoners of Conscience', (Index: AFR 47/012/2003); Amnesty International, 'Rwanda: Number of Prisoners of Conscience on the Rise', 6 June 2002, [www.amnesty.org/en/documents/afr47/002/2002/en/](http://www.amnesty.org/en/documents/afr47/002/2002/en/)

<sup>49</sup> Human Rights Watch, World Report 2006; Rwanda, [www.hrw.org/legacy/english/docs/2006/01/18/rwanda12286.txt.htm](http://www.hrw.org/legacy/english/docs/2006/01/18/rwanda12286.txt.htm)

<sup>50</sup> Amnesty International, *Safer to Stay Silent: The Chilling Effect of Rwanda's Laws on 'Genocide Ideology' and 'Sectarianism'*, (Index: AFR 47/005/2010)

whether orally, written or video means or by any other means which may show that a person is characterized by ethnic, religious, nationality or racial-based with the aim to: i) advocate for the commission of genocide; and ii) support the genocide". Despite the revision, some language in the provision such as on the aim to "support the genocide" remains ambiguous in violation of the principle of legality, which obliges states to define criminal offences precisely within the law so that a person can know whether their conduct would amount to a breach of the law.<sup>51</sup>

Restrictions on the right to freedom of association prevented aspiring opposition parties from fielding candidates. The United Democratic Forces-Inkingi (FDU-Inkingi) party and the Democratic Green Party of Rwanda were unable to obtain security clearance to organize meetings they needed to hold in order to be registered. (The Green Party was eventually registered in 2013, three days before the deadline to submit candidate lists for the parliamentary elections that year).<sup>52</sup> The Ideal Social Party (PS-Imberakuri) secured its registration, but having been infiltrated by dissident members, the party decided not to field a candidate in the elections.<sup>53</sup>

Victoire Ingabire, president of the FDU-Inkingi, returned to Rwanda on 16 January 2010 after 16 years living in Europe in order to stand in the August 2010 presidential election. On the day of her return, she visited the Genocide Memorial in Kigali where she made a speech that discussed problems with reconciliation and the lack of recognition of Hutu who were killed, issues that are rarely discussed openly in Rwanda. She was arrested in April 2010, released on house arrest, and then re-arrested in October 2010. She stood trial in 2011 and 2012, and was convicted on 30 October 2012 of two offences: "conspiracy to harm the existing authority and the constitutional principles using terrorism, armed violence or any other type of violence", and "grossly minimizing the genocide". She was sentenced to eight years in prison. Amnesty International is not in a position to assess the validity or otherwise of the terrorism-related charges in this case.

Amnesty International observed Victoire Ingabire's trial on first instance and raised several fair trial concerns. Comments by President Kagame relating to Victoire Ingabire's culpability and the prosecution's evidence against her, raised concerns around her right to the presumption of innocence, especially in a context of limited freedom of expression. The freedom of expression-related charges were based on imprecise and broad pieces of Rwandan legislation and therefore lacked a clear legal basis. Some of the evidence used to convict her was linked to the legitimate expression of her ideas. The court did not properly examine or investigate the circumstances in which the confessions of her co-accused could have been made. The judges displayed signs of hostility and anger towards the defendant and regularly interrupted her. While evidence presented by the defence was repeatedly undermined, basic questions about the evidence presented by the prosecution were not asked.<sup>54</sup>

Victoire Ingabire appealed the High Court's decision to the Supreme Court. The Supreme Court ruled that Victoire Ingabire's complaints about the non-respect of fair trial principles were unfounded. In addition, the judges found her guilty of spreading lies to incite the population to revolt against the established authorities. A number of speeches and articles were cited in evidence, and the passages highlighted were highly critical of the government. The court found that these words "did not contain the normal ideas of a politician, which aim to help Rwandans live together", and that the only aim of such speech was to provoke the population to revolt.<sup>55</sup> Convicting Victoire Ingabire on this charge using the evidence cited in the appeal judgement is inconsistent with her right to freedom of expression. Upholding the previous conviction on the two other charges,<sup>56</sup> the Supreme Court increased the length of her sentence to 15 years, which she is currently serving in Kigali Central Prison. Victoire Ingabire has filed a case at the African Court on Human and Peoples' Rights.<sup>57</sup>

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<sup>51</sup> Law N° 84/2013 of 11/09/2013 on the Crime of Genocide Ideology and Other Related Offences

<sup>52</sup> Human Rights Watch, 'Dispatches: Rwanda's Green Party registered at last – but what does it really mean?', 12 August 2013, [www.hrw.org/news/2013/08/12/dispatches-rwandas-green-party-registered-last-what-does-it-really-mean](http://www.hrw.org/news/2013/08/12/dispatches-rwandas-green-party-registered-last-what-does-it-really-mean)

<sup>53</sup> Amnesty International, 'Rwanda: Prisoner of Conscience Released after Decade in Detention', (Index: AFR 47/002/2012)

<sup>54</sup> Amnesty International, *Justice in Jeopardy: The First Instance Trial of Victoire Ingabire*, (Index: AFR 47/001/2013)

<sup>55</sup> Article: 166 (Penal Code 1977) Quiconque, soit par des discours tenus dans des réunions ou lieux publics, soit par des écrits, des imprimés, des images ou emblèmes quelconques, affichés, distribués, vendus, mis en vente ou exposés aux regards du public, soit en répandant sciemment de faux bruits, aura soit excité ou tenté d'exciter les populations contre les pouvoirs établis, soit soulevé ou tenté de soulever les citoyens les uns contre les autres, soit alarmé les populations et cherché ainsi à porter les troubles sur le territoire de la République, sera puni d'un emprisonnement de deux à dix ans et d'une amende de deux mille à cent mille francs ou de l'une de ces peines seulement, sans préjudice des peines plus fortes prévues par d'autres dispositions du présent code ; Supreme Court, Appeal judgement in case of Victoire Ingabire et al, RPA 0255/12/CS, 13 December 2013, (Unofficial translation from Kinyarwanda to French, on file with Amnesty International), in particular para 446.

<sup>56</sup> Supreme Court, Appeal judgement in case of Victoire Ingabire et al, RPA 0255/12/CS, 13 December 2013, (Unofficial translation from Kinyarwanda to French, on file with Amnesty International), in particular paras 443-448.

<sup>57</sup> The case is currently pending before the Court. Although Rwanda withdrew its declaration under Art 34(6) of the Protocol allowing individuals and NGOs to seize the Court directly in March 2016, the Court has ruled that it will not affect cases pending. Application. No. 003/2014 – Ingabire Victoire Umuhoza v. Republic of Rwanda, <http://en.african-court.org/index.php/56-pending-cases-details/867-app-no-003-2014-ingabire-victoire-umuhoza-v-republic-of-rwanda-details>

Another opposition figure, Sylvain Sibomana, Secretary General of FDU-Inkingi, was convicted of participating in illegal gatherings for taking part in a demonstration outside the Supreme Court during Victoire Ingabire's appeal in March 2013. Alongside Sibomana, Anselme Mutuyimana, another member of the FDU-Inkingi, was also convicted in January 2014 of "inciting insurrection or trouble among the population" after organizing a meeting in Rutsiro district in September 2012. Likewise, six members of FDU-Inkingi served a two-year sentence ending in September 2014 for attending the same meeting in Rutsiro.<sup>58</sup>

In addition to FDU-Inkingi leadership and members, other opposition figures were also targeted. Bernard Ntaganda, president of the Ideal Social Party (PS-Imberakuri), was arrested at dawn on 24 June 2010 - the first day that presidential candidates could register for the elections – and held in pre-trial detention. His party had been planning to hold a demonstration the same day and had requested authorization. According to the prosecution, however, the authorities had attempted to notify him that it was banned on the day before it was due to take place. The defence said the demonstrators were unaware of the ban. On 11 February 2011, he was found guilty of "divisionism" for making public speeches criticizing government policies ahead of the 2010 elections, breaching state security and attempting to plan an "unauthorised demonstration". He served four years in prison at Mpanga prison before being released in June 2014.<sup>59</sup> In late 2009, Bernard Ntaganda had been called before the Senate to respond to accusations of "genocide ideology". In April 2010, the Senate's political commission said they felt such accusations were well founded.<sup>60</sup>

On 14 July 2010, just weeks before the election, André Kagwa Rwisereka, vice president of the Green Party, was found dead in Butare, having been beheaded. He had left the RPF in 2009 to join the fledgling Green Party. In the weeks before his murder, he had told colleagues that he was concerned for his security. Other Green Party members said they had also received threats. No one has been brought to justice for his murder. Although the police opened investigations, the prosecution claimed to have insufficient evidence to press charges.<sup>61</sup>

The Green Party continued to face serious problems. Jean Damascène Munyeshyaka, their national organizing secretary, went missing on 27 June 2014 from Nyamata, Bugesera District. The Green Party alleged that before his disappearance he had received a telephone call from an individual requesting that they meet immediately. Despite frequent follow-up by his colleagues with the relevant authorities, his fate remains unknown.<sup>62</sup>

These and other such unresolved cases of killings, disappearances and other patterns of persecutions continue to have a chilling effect on the human rights and political climate in Rwanda as the country heads to the upcoming presidential elections.

### 3.3 SETTING THE SCENE FOR AUGUST 2017

Following the decisive results of the December 2015 referendum on the new constitution which allows him to stand again, the incumbent president Paul Kagame is widely expected to be re-elected in August 2017.<sup>63</sup> Rwanda's legacy of political repression, attacks on opposition figures and dissenting voices in the context of previous elections, unresolved cases of murders and enforced disappearances as well as recent incidents of attacks targeting leading political figures and lower level members of political opposition groups, have had a sustained chilling effect on the exercise of freedom of expression, assembly and association. In addition, as Election Day gets closer, concerns about a smear campaign against one candidate, and proposed restrictions on social media also illustrate the shrinking space for legitimate political debate in the run-up to the elections.

Illuminée Iragena, a member of FDU-Inkingi, went missing on 26 March 2016 on her way to work as a nurse at the King Faisal Hospital in Kigali. She had been one of Victoire Ingabire's frequent visitors in prison. Sources close to the case believe that she was tortured and died in custody. Her family reported her

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<sup>58</sup> Amnesty International, *Amnesty International Report 2014/15: The State of the World's Human Rights*, (Index: POL 10/0001/2015)

<sup>59</sup> Amnesty International, *Rwanda: Opposition Politician Jailed for Exercising Rights*, 11 February 2011, [www.amnesty.org/en/press-releases/2011/02/rwanda-opposition-politician-jailed-exercising-rights/](http://www.amnesty.org/en/press-releases/2011/02/rwanda-opposition-politician-jailed-exercising-rights/)

<sup>60</sup> Amnesty International, *'Unsafe to Speak Out: Restrictions on Freedom of Expression in Rwanda'*, (Index: AFR 47/002/2011)

<sup>61</sup> Amnesty International, *'Pre-election attacks on Rwandan politicians and journalists condemned'*, 5 August 2010,

[www.amnesty.org/en/latest/news/2010/08/pre-election-attacks-rwandan-politicians-and-journalists-condemned/](http://www.amnesty.org/en/latest/news/2010/08/pre-election-attacks-rwandan-politicians-and-journalists-condemned/); Amnesty International, *'Unsafe to Speak Out: Restrictions on Freedom of Expression in Rwanda'*, (Index: AFR 47/002/2011)

<sup>62</sup> Amnesty International, *Amnesty International Report 2015/16: The State of the World's Human Rights*, (Index: POL 10/2552/2016)

<sup>63</sup> See, for example, comments of the EU Head of Delegation to the media on 4 May 2017: "I think you would not lose any money if you bet on Mr. Paul Kagame". Voice of America, 'EU Official in Rwanda Predicts Kagame Election Victory', 5 May 2017, [www.voanews.com/a/eu-official-in-rwanda-predicts-kagame-election-victory/3839078.html](http://www.voanews.com/a/eu-official-in-rwanda-predicts-kagame-election-victory/3839078.html)

disappearance to the police, but never received an official response.<sup>64</sup> Amnesty International and other organizations requested information on the case and the status of investigations from the government, but have not received a response. The authorities have so far failed to confirm her fate or whereabouts, including whether or not they are holding her.<sup>65</sup>

Léonille Gasengayire, also a FDU-Inkingi member, was arrested in March 2016 after visiting Victoire Ingabire in prison, and was accused of inciting insurrection or trouble among the population. However, she was not formally charged and released after three days. She was arrested again in August 2016 in Kivumu, Rutsiro district and again accused of inciting insurrection or trouble among the population, this time in relation to comments she was said to have made during a private meeting in August 2016. The case proceeded to trial, but she was acquitted and released on 23 March 2017 following seven months in pre-trial detention.<sup>66</sup>

On 14 February 2017, Violette Uwamahoro, the wife of a political opposition activist with the outlawed Rwanda National Congress (RNC) opposition group, went missing as she arrived by bus in Kigali. A British national, she had returned to the country to attend her father's funeral. She was held incommunicado for over two weeks, while the Rwandan government initially denied knowledge of her whereabouts.<sup>67</sup> On 3 March, the police told the media that they were holding Violette Uwamahoro in their custody.<sup>68</sup> She was charged alongside a cousin, Jean Pierre Shumbusho, a police officer, with the revelation of state secrets, formation of an irregular armed group and offence against the established government or president. Violette Uwamahoro denied all charges. She was provisionally released on 27 March, after a judge ruled that there was a lack of sufficient evidence against her, and she was allowed to return to the United Kingdom on 12 April.<sup>69</sup>

In May 2017, Jean Damascene Habarugira, a local party representative of the FDU-Inkingi, who lived in Remera sector, Ngoma district was killed. He went missing after being called to meet a military reservist responsible for village security. The FDU-Inkingi stated in a press release that his family were called to collect his body from Nyamata Hospital in Bugesera a few days later on 8 May. The police spokesperson, Theos Badege, confirmed to the media that his body had been found and that investigations were underway. The FDU-Inkingi asserted that he had been murdered because of his opposition to the government's agricultural planning policy in Ngoma district.<sup>70</sup>

Potential presidential candidates have also faced various forms of restrictions in the lead-up to the elections. On 3 May 2017, Diane Rwigara announced her intention to stand as an independent candidate for the presidency. Her father, Assinapol Rwigara, a successful businessman and important financier of the RPF in the early 1990s, died in a car accident in February 2015 that the family and others believe to have been orchestrated.<sup>71</sup> In the months before declaring her candidacy, Diane Rwigara had been outspoken about issues such as poverty, injustice, insecurity and the lack of freedom of expression.<sup>72</sup> Just days after she announced her candidacy, nude photos of Diane Rwigara were leaked and circulated on social media, in what many considered an attempt to smear her reputation.

On 1 June 2017, Diane Rwigara told reporters that several of her representatives had been arrested and threatened with treason charges, but later released. She has complained to police and the NEC that her representatives have been intimidated as they travel around the country collecting the signatures needed to stand as an independent candidate.<sup>73</sup>

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<sup>64</sup> Amnesty International interviews and electronic communication with sources, including April 2016, October 2016, January 2017, and May 2017.

<sup>65</sup> Amnesty International, *Rwanda: Come clean about fate of missing activist Illuminée Iragena*, 26 March 2017, [www.amnesty.org/en/latest/news/2017/03/rwanda-come-clean-about-fate-of-missing-activist-illuminee-iragena/](http://www.amnesty.org/en/latest/news/2017/03/rwanda-come-clean-about-fate-of-missing-activist-illuminee-iragena/)

<sup>66</sup> Amnesty International, *Amnesty International Report 2016/17*, (Index: POL 10/4800/2017); Human Rights Watch, 'Rwanda: Government Repression in Land Cases,' 31 March 2017, [www.hrw.org/news/2017/03/31/rwanda-government-repression-land-cases](http://www.hrw.org/news/2017/03/31/rwanda-government-repression-land-cases)

<sup>67</sup> iNews, 'Fears British mother missing in Rwanda may have been abducted by security services', 1 March 2017, <https://inews.co.uk/essentials/news/uk/br-british-mother-two-missing-rwanda-fears-may-abducted-security-services/>

<sup>68</sup> KT Press, 'British Woman Arrested in Rwanda, Faces Prosecution', 3 March 2017, <http://ktpress.rw/2017/03/british-woman-arrested-in-rwanda-faces-prosecution/>

<sup>69</sup> Amnesty International, *Rwanda: Detained pregnant wife of activist to appear in court*, 21 March 2017, [www.amnesty.org/en/latest/news/2017/03/rwanda-detained-pregnant-wife-of-activist-to-appear-in-court/](http://www.amnesty.org/en/latest/news/2017/03/rwanda-detained-pregnant-wife-of-activist-to-appear-in-court/); Interviews with sources, February and March 2017.

<sup>70</sup> FDU-Inkingi, 'Rwanda: Assassination of Mr. Damascène Habarugira, Member of the FDU-Inkingi', 9 May 2017, [www.fdu-rwanda.com/en/english-rwanda-assassination-mr-damascene-habarugira-member-of-the-fdu-inkingi/](http://www.fdu-rwanda.com/en/english-rwanda-assassination-mr-damascene-habarugira-member-of-the-fdu-inkingi/); New Vision/AFP, 'Opposition member 'assassinated' in Rwanda', 11 May 2017, [www.newvision.co.ug/new\\_vision/news/1453112/opposition-assassinated-rwanda](http://www.newvision.co.ug/new_vision/news/1453112/opposition-assassinated-rwanda)

<sup>71</sup> *The East African*, 'Family of deceased tycoon Assinapol Rwigara petitions President Kagame,' 14 March 2015, [www.theeastafrican.co.ke/rwanda/News/Family-of-deceased-tycoon-Rwigara-petitions-President-Kagame/1433218-2653598-myixcwz/index.html](http://www.theeastafrican.co.ke/rwanda/News/Family-of-deceased-tycoon-Rwigara-petitions-President-Kagame/1433218-2653598-myixcwz/index.html)

<sup>72</sup> Diane Shima Rwigara, 'How long are we going to remain silent?', 14 March 2017, [www.youtube.com/watch?v=MpFZWE\\_Vb4Q](http://www.youtube.com/watch?v=MpFZWE_Vb4Q)

<sup>73</sup> *The East African*, 'Rwanda independent candidates allege harassment', 5 June 2017, [www.theeastafrican.co.ke/news/Rwanda-independent-candidates-allege-govt-harassment--/2558-3956496-10cqaiz/index.html](http://www.theeastafrican.co.ke/news/Rwanda-independent-candidates-allege-govt-harassment--/2558-3956496-10cqaiz/index.html) (hereinafter *The East African*, 'Rwanda independent candidates allege harassment', 5 June 2017)

Another independent candidate, Philippe Mpayimana, has also complained of intimidation and harassment of his representatives by local authorities and members of the public, saying that some have left his campaign as a result. In addition, he asserted that several lists of signatures had been stolen in Kamonyi and Rusizi districts.<sup>74</sup>

In May 2017, there was public discussion on the use of social media by presidential candidates in their campaigns. In its 4 April regulations for the conduct of the August 2017 presidential elections, published in the Official Gazette of 1 May, the NEC stipulated that any campaign wanting to post campaign messages on social media networks (including Facebook, Instagram, Twitter, WhatsApp, YouTube or websites) must first submit their material for approval to the NEC 48 hours in advance. The NEC would then either approve the content or request amendments, giving their feedback in writing at least 12 hours before the proposed action.<sup>75</sup>

The requirement created considerable public debate, with the Foreign Minister Louise Mushikiwabo commenting on Twitter on 31 May that “no offence to #Rwanda #NEC, but Rwandans should express themselves freely on social media in election season.” She went on to comment that she agreed with the NEC on the objective of preventing divisionism and other abuses, but that Rwanda has laws that deal with criminal behaviour and that the law should take its course as needed.<sup>76</sup> On the same day, the Rwanda Utilities Regulatory Authority (RURA) made a statement informing the public that “in accordance with the ICT Law and Media Law, the National Electoral Commission (NEC) has no mandate to regulate or interrupt the use of social media by citizens. RURA as the statutory regulator has not had any discussions with NEC on this subject and would like to reaffirm the right of citizens to express themselves on social media and other ICT platforms, while respecting existing laws.”<sup>77</sup> The following day, 1 June, the NEC announced that it would adjust social media regulations based on public feedback.



*Diane Shima Rwigara laughs during a press conference in Kigali on 3 May 2017. © CYRIL NDEGEYA/AFP/Getty Images*

<sup>74</sup> *The East African*, ‘Rwanda independent candidates allege harassment’, 5 June 2017.

<sup>75</sup> Amabwiriza No. 01/2017 yo ku wa 04/04/2017 ya Komisiyo y’Igihugu y’Amatora, agenga Itora rya Perezida wa Repubulika mu 2017 (Regulations for 2017 Presidential Elections), Official Gazette n°18 bis of 01/05/2017, Articles 38-44

<sup>76</sup> Louise Mushikiwabo, Comments published on Twitter (copies on file with Amnesty International), 31 May 2017

<sup>77</sup> RURA, ‘RURA statement dismissing NEC Responsibilities Regarding Handling of Social Media During Elections in Rwanda’, 31 May 2017, [www.rura.rw/fileadmin/publication/RURA\\_Statement\\_NEC\\_-\\_31\\_May\\_2017.pdf](http://www.rura.rw/fileadmin/publication/RURA_Statement_NEC_-_31_May_2017.pdf)

# 4. RESTRICTIONS ON CIVIL SOCIETY AND HUMAN RIGHTS DEFENDERS

Independent human rights defenders who criticize government policy or are perceived as opponents to government have faced different forms of attacks and restrictions in Rwanda. In the past few years, attacks on civil society have become less flagrant, largely due to the fact that so many human rights defenders have paid the price for speaking out and those that remain are cautious in how they approach their work.

A handful of human rights organizations were formed following the establishment of multi-partyism in the 1990 Constitution. They documented the political violence and ethnic massacres that preceded the 1994 genocide, and worked closely with the 1992-1993 International Commission of Investigation on Human Rights Violations in Rwanda to raise the alarm, facing threats and attacks as a result. During the genocide, several human rights organizations, including the League for the Promotion and Defence of Human Rights (LIPRODHOR), Kanyarwanda, the Rwandan Association for the Defence of Human Rights and Civil Liberties (ADL) and Association for Peace Volunteers (AVP) suffered huge losses. 60% of LIPRODHOR's members were killed, and Kanyarwanda, which lost 80% of its members, never fully recovered, shifting its focus away from traditional human rights to humanitarian work.<sup>78</sup>

In the years immediately after the genocide, human rights defenders faced serious harassment and threats, and even lost their lives. In January 1997, Innocent Murengezi, a lawyer and human rights defender who had agreed to defend genocide suspects, disappeared after he left a court building. He was not found despite investigations by the Ministry of Justice and the United Nations.<sup>79</sup> André Sibomana, a Catholic priest, the leader of ADL and editor of the *Kinyamateka* newspaper, died in early 1998. He developed a rare illness and was not given a passport in time to allow him to travel abroad to seek treatment. Having documented violations under the Habyarimana regime and sought to alert the international community to the risk of genocide, he continued to document human rights violations during and after the genocide.<sup>80</sup>

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<sup>78</sup> Front Line Rwanda, *Disappearances, Arrests, Threats, Intimidation and Co-optation of Human Rights Defenders 2001 – 2004*, March 2005, [www.leitnercenter.org/files/Publications/FrontLineRwandaReport.pdf](http://www.leitnercenter.org/files/Publications/FrontLineRwandaReport.pdf), pp. 31-33

<sup>79</sup> Human Rights Watch, World Report 1998, [www.hrw.org/legacy/worldreport/Africa-10.htm](http://www.hrw.org/legacy/worldreport/Africa-10.htm)

<sup>80</sup> Front Line Rwanda, *Disappearances, Arrests, Threats, Intimidation and Co-optation of Human Rights Defenders 2001 – 2004*, March 2005, [www.leitnercenter.org/files/Publications/FrontLineRwandaReport.pdf](http://www.leitnercenter.org/files/Publications/FrontLineRwandaReport.pdf), p. 33

## 4.1 CURRENT LEGAL FRAMEWORK FOR NON-GOVERNMENTAL ORGANIZATIONS

The work of national non-governmental organizations in Rwanda is governed by Law N°04/12 promulgated in February 2012, under which they are required to register with the Rwanda Governance Board (RGB). Former UN Special Rapporteur on the Rights to Freedom of Association and of Peaceful Assembly, Maina Kiai, visited Rwanda in 2014 and found that the registration process was overly bureaucratic, and burdensome in terms of the financial cost, time and energy expended by NGOs to complete the process.<sup>81</sup> For a temporary, 12-month, registration certificate, NGOs must provide an application letter to the RGB, along with authenticated statutes; the head office and full address of the organization; the name of the legal representative of the organization, the name of his/her deputy, their duties, full address, curriculum vitae and judicial records; the minutes of the general assembly which appointed the legal representative of the organization and the signatures of all members that attended such a general assembly meeting.<sup>82</sup> Nine months after the temporary certificate is issued, NGOs may then apply for legal personality.<sup>83</sup>

Law N°05/12 of February 2012 governs the organization and functioning of international NGOs. On paper, the law marked an improvement in the registration regime for INGOs, as it allows for registration certificates to be issued for periods of up to five years.<sup>84</sup> However, in practice INGOs are rarely granted registration for the full period as they are required to provide evidence of their funding for the entire length of their registration. Most funders are unable to guarantee funding for multiple years, so many INGOs re-register on a yearly basis. In order to renew the INGO's registration, the authorities are required to verify that the organization has met its objectives. In the view of the UN Special Rapporteur, this provision places excessive discretion in the hands of the authorities and is an undue restriction on the freedom of association that does not meet the test of being "necessary in a democratic society" to protect national security, public safety, public order, public health, morals or the rights and freedoms of others.<sup>85</sup>

Previously, international NGOs registered with the Directorate General of Immigration and Emigration. A new law adopted in December 2016 that increased the powers and responsibilities of the RGB gives RGB the responsibility for registering and monitoring INGOs as well as national NGOs.<sup>86</sup>

## 4.2 CASE STUDY: LIPRODHOR

A case that illustrates the challenges that human rights organizations have faced over time is that of LIPRODHOR. In its heyday, one of the organization's major strengths was its nationwide network of human rights monitors.<sup>87</sup> Established in 1991, LIPRODHOR was among those few organizations raising the alarm and seeking international action to prevent the genocide in Rwanda.<sup>88</sup> As noted above, alongside other NGOs, LIPRODHOR faced challenges in the run-up to the genocide and lost many members during the genocide. In the years that followed, LIPRODHOR faced different forms of harassment and administrative hurdles. In May 1995, LIPRODHOR's then director François-Xavier Byuma was threatened by two soldiers with grenades. He reported the incident to the authorities but was not informed of any investigation.<sup>89</sup> In 1999, the organization planned to conduct a systematic survey of public opinion about the proposed *gacaca* jurisdictions, the community-based justice system used to try the majority of genocide suspects. However, the Minister of Justice wrote to prohibit them from carrying out this survey until the government's own campaign on *gacaca* had come to an end.<sup>90</sup>

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<sup>81</sup> Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, Addendum: Mission to Rwanda, 16 September 2014, paras 44-48

<sup>82</sup> Law N°04/2012 of 17/02/2012 governing the organisation and the functioning of national non-governmental organizations, Art 18

<sup>83</sup> Law N°04/2012 of 17/02/2012, Art 17

<sup>84</sup> Law N°05/2012 of 17/02/2012 governing the organisation and functioning of international non-governmental organizations, Art 11

<sup>85</sup> Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, Addendum: Mission to Rwanda, 16 September 2014, para 52

<sup>86</sup> Law N°56/2016 of 16/12/2016 establishing the Rwanda Governance Board and Determining Its Mission, Organisation And Functioning

<sup>87</sup> Front Line Rwanda, *Disappearances, Arrests, Threats, Intimidation and Co-optation of Human Rights Defenders 2001 – 2004*, March 2005, [www.leitnercenter.org/files/Publications/FrontLineRwandaReport.pdf](http://www.leitnercenter.org/files/Publications/FrontLineRwandaReport.pdf), p45

<sup>88</sup> Juliane Kippenberg, Human Rights Watch, 'Rwanda Still in Our Human Rights Blind Spot', 25 July 2004, [www.hrw.org/legacy/english/docs/2004/07/25/rwanda9189.txt.htm](http://www.hrw.org/legacy/english/docs/2004/07/25/rwanda9189.txt.htm)

<sup>89</sup> Amnesty International, *Urgent Action: Rwanda: Fear for safety: Jean RUBADUKA, magistrate and human rights activist, Abbé André SIBOMANA, acting bishop and human rights activist and other human rights activists*, 30 November 1995, [www.amnesty.org/download/Documents/176000/afr470231995en.pdf](http://www.amnesty.org/download/Documents/176000/afr470231995en.pdf)

<sup>90</sup> Amnesty International, *Rwanda: The Troubled Course of Justice*, (Index: AFR 47/010/2000)

A much more serious blow to the organization was the 2004 report of a parliamentary commission on genocide ideology. The commission was created following the assassination of three genocide survivors between April and November 2003. A range of religious institutions, schools and national and international non-governmental organizations were accused in the report of either supporting genocide or disseminating its principal tenets. The National Assembly adopted the report on 30 June 2004 and supported the commission's recommendations that five NGOs including LIPRODHOR should be dissolved.<sup>91</sup>

In September 2004, Cabinet issued a statement<sup>92</sup> acknowledging the report and required LIPRODHOR to investigate its staff and root out individuals for their "bad behaviour". The organization had to pay USD20,000 for this internal investigation, using up 80% of its reserves. The internal report echoed the findings of the parliamentary commission. LIPRODHOR staff and members complained about the biased nature of the report but the organization was told by the government to take action on the allegations contained in it. As with the report of the parliamentary commission, individuals named in the internal investigation were never questioned or provided with the opportunity to respond to the allegations made against them. A list of LIPRODHOR members was leaked which led several individuals to flee the country, which in turn the government pointed to as an indication of guilt. Some remaining members issued a public apology. The organization was forced to temporarily suspend its work due to financial restraints in January 2005.<sup>93</sup>

On 27 May 2007, the former director of LIPRODHOR, Francois-Xavier Byuma, was sentenced to 19 years' imprisonment, after an unfair trial, convicted of participating in weapons training during the 1994 genocide. The court rejected his appeal in August 2007. The judge who presided over his initial trial, at the *gacaca* court in Bilyogo sector, Kigali, had a conflict of interest, as he was being investigated by the NGO Turengere Abana (the Rwandan Association for the Protection and Promotion of the Child). Francois-Xavier Byuma was the head of Turengere Abana and he was indicted and tried after Turengere Abana started investigating allegations that the presiding judge had raped a 17-year-old girl.<sup>94</sup>

LIPRODHOR staff continued to face harassment and intimidation in the following years, but managed to continue their work. Human Rights Watch reported that two members were threatened in 2007 after the publication of a report on government abuses and fled the country. In 2008, LIPRODHOR was not given permission to observe the parliamentary elections as a group independent of the broader civil society platform, and was not allowed to join other observer teams.<sup>95</sup>

Eventually, in July 2013, the organization's leadership was forced out in circumstances which strongly indicated the involvement of the Rwandan authorities. LIPRODHOR's leadership had decided to leave the Collective of Leagues and Associations for the Defence of Human Rights in Rwanda (CLADHO), a platform of human rights organizations, on the grounds that its executive committee had been put in place by the Rwanda Governance Board (RGB), the official body charged with promoting and monitoring good governance. Along with two partner organizations, the leadership sent a letter announcing the decision on 3 July 2013. On 21 July 2013, a group of LIPRODHOR members held an extraordinary general assembly to discuss the decision, but without notifying LIPRODHOR's governing board, which included the president and the vice-president and without the required quorum for a general assembly. At this meeting, it was decided to reverse LIPRODHOR's withdrawal from CLADHO, and replace LIPRODHOR's board and president. The new board's election was swiftly recognized by RGB, despite complaints by the ousted board regarding the legitimacy of the procedure. The former board challenged the decision in court, and LIPRODHOR's ousted president, Laurent Munyandilikirwa, has taken a complaint to the African Court on Human and Peoples' Rights.<sup>96</sup> He left Rwanda in March 2014, after receiving numerous death threats. In January 2017, Maina Kiai, the then UN Special Rapporteur on the Rights to Freedom of Association and of Peaceful Assembly filed an amicus curiae brief at the African Court, drawing on the findings of his 2014 official visit to Rwanda

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<sup>91</sup> Amnesty International, *'Rwanda: Deeper into the Abyss - Waging War on Civil Society'*, 6 July 2004, [www.amnesty.org/download/Documents/92000/afr470132004en.pdf](http://www.amnesty.org/download/Documents/92000/afr470132004en.pdf)

<sup>92</sup> Ministry of Information, Statement by Cabinet, Meeting in its Session of 17 September 2004, on the Report of the Chamber of Deputies about the Gikongoro Killings and Genocide Ideology in Rwanda cited in Front Line Rwanda, *Disappearances, Arrests, Threats, Intimidation and Co-optation of Human Rights Defenders 2001 – 2004*, March 2005, [www.leitnercenter.org/files/Publications/FrontLineRwandaReport.pdf](http://www.leitnercenter.org/files/Publications/FrontLineRwandaReport.pdf)

<sup>93</sup> Amnesty International, *'Rwanda: Human rights organisation forced to close down'*, 10 January 2005, [www.amnesty.org/en/documents/afr47/001/2005/en/](http://www.amnesty.org/en/documents/afr47/001/2005/en/);

Timothy Longman, 'Limitations to Political Reform: The Undemocratic Nature of Transition in Rwanda,' in *Remaking Rwanda: State Building and Human Rights after Mass Violence*, Scott Straus and Lars Waldorf (ed.s), p. 30

<sup>94</sup> Amnesty International, *'Rwanda: Further Information on Fear for Safety/Legal Concern: François-Xavier Byuma (M)'*, 28 August 2007, [www.amnesty.org/en/documents/afr47/012/2007/en/](http://www.amnesty.org/en/documents/afr47/012/2007/en/)

<sup>95</sup> Human Rights Watch, World Report 2009: Rwanda, [www.hrw.org/world-report/2009/country-chapters/rwanda](http://www.hrw.org/world-report/2009/country-chapters/rwanda)

<sup>96</sup> African Court on Human and Peoples' Rights, Case Summary: Application No. 023/2015, Laurent Munyandilikirwa (Applicant) V. The Republic of Rwanda (Respondent), <http://en.african-court.org/images/Cases/Case%20Summaries/laurent%20v%20Rwanda.pdf>; Amnesty International, Rwanda: Official Interference in Affairs of Human Rights NGO Places Independent Human Rights Work in Peril, (Index: AFR 47/002/2013)

and emphasising the importance of the case in setting standards for respect of freedom of association and peaceful assembly in Africa. He wrote: “Given the critical role of the Court on the continent, the meaning of this decision will reach beyond this individual case and contribute to foster the protection of the relevant rights in all the countries that are party to the African Charter on Human and Peoples’ Rights.”<sup>97</sup>

What was once an independent and effective human rights organization, LIPRODHOR now barely functions.

## 4.3 CASE STUDY: LDGL

LIPRODHOR is not alone in facing threats and challenges over a long period of time. The regional NGO, Human Rights League of the Great Lakes Region (LDGL), headquartered in Rwanda, has also faced numerous challenges.

In mid-2002, a government minister accused LDGL of operating illegally. Shortly afterwards security agents visited their offices. In the same period, a member of the National Human Rights Commission (CNDR) publicly accused LDGL’s president at the time, Noel Twagiramungu, of minimising the genocide. In May 2003, he was accused in a government newspaper of encouraging residents of his home region to vote against the new Constitution.<sup>98</sup>

LDGL sought to monitor the 2003 presidential elections. As the NEC decided only to accredit observers in the national coalition, the Programme for Observing Elections in Rwanda (POER), LDGL had to work under the auspices of that grouping. In a meeting in August 2003, a month before the elections, POER’s president said that LDGL’s Burundian and Congolese representatives could not take part in the monitoring, as election observations were only for Rwandans. The legal basis for this decision is not clear, given that the NEC gave accreditation to non-Rwandans to observe the election.<sup>99</sup>

After Noel Twagiramungu left the country in 2004, his dynamic leadership was missed by human rights defenders who stayed in Rwanda.<sup>100</sup>

LDGL monitored the parliamentary elections in September 2008 and in its report identified many of the same irregularities as the EU’s Election Observation Mission. The chair of the NEC verbally attacked LDGL for its report.<sup>101</sup>

Following this, Pascal Nyilibakwe, LDGL’s then executive secretary, fled Rwanda in September 2010 after a series of threats and harassment against him, linked to his role in preparing a joint civil society report for Rwanda’s Universal Periodic Review.<sup>102</sup>

On 12 October 2015, LDGL’s executive secretary, Epimack Kwokwo, a Congolese national, was taken in for questioning by the immigration services. Seven members of the newly elected executive council and oversight committee were also taken for questioning by police the next day. This took place in the context of a dispute over leadership of the organization. On 28 May 2016, Epimack Kwokwo was expelled from Rwanda when his work permit expired after long delays in renewing the NGO’s registration. He attended an appointment at immigration, was notified of his expulsion and then driven to the border with the Democratic Republic of the Congo (DRC) without being allowed to return home to collect his belongings or inform his family.

LDGL’s re-registration was granted in November 2016.<sup>103</sup>

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<sup>97</sup> UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Amicus Brief submitted to the African Court of Human and Peoples’ Rights in the case of Laurent Munyandikirwa versus The Republic of Rwanda Application No. 23 of 2015, <http://freassembly.net/wp-content/uploads/2017/01/UNSR-Maina-Kiai-Amicus-Brief-to-AfCHPR-in-Applic-23-of-2015-Laurent-Munyandikirwa-vs-Rwanda-filed-on-5-January-2017.pdf>

<sup>98</sup> Front Line Rwanda, *Disappearances, Arrests, Threats, Intimidation and Co-optation of Human Rights Defenders 2001 – 2004*, March 2005, [www.leitnercenter.org/files/Publications/FrontLineRwandaReport.pdf](http://www.leitnercenter.org/files/Publications/FrontLineRwandaReport.pdf), p. 40 (hereinafter Front Line Rwanda, *Disappearances, Arrests, Threats, Intimidation and Co-optation of Human Rights Defenders 2001 – 2004*, March 2005)

<sup>99</sup> Front Line Rwanda, *Disappearances, Arrests, Threats, Intimidation and Co-optation of Human Rights Defenders 2001 – 2004*, March 2005

<sup>100</sup> Front Line Rwanda, *Disappearances, Arrests, Threats, Intimidation and Co-optation of Human Rights Defenders 2001 – 2004*, March 2005

<sup>101</sup> Human Rights Watch, World Report 2009: Rwanda, [www.hrw.org/world-report/2009/country-chapters/rwanda](http://www.hrw.org/world-report/2009/country-chapters/rwanda)

<sup>102</sup> Report of the UN Secretary-General on Cooperation with the United Nations, its representatives and mechanisms in the field of human rights, 21 July 2011, [http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/18/19](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/18/19), paragraphs 57-61

<sup>103</sup> Amnesty International, *Amnesty International Report 2015/16* (Index: POL 10/2552/2016); Amnesty International, *Amnesty International Report 2016/17* (Index: POL 10/4800/2017)

## 4.4 CASE STUDY: HUMAN RIGHTS WATCH

International human rights organizations and their staff have also been targeted for criticizing government policy. In June 2008, the Minister of Justice publicly accused Alison Des Forges, Human Rights Watch's renowned Rwanda expert, of becoming a "spokesperson for genocide ideology" after she raised concerns about Rwanda's justice system at a conference in Kigali. That this label has been used against individuals such as Alison Des Forges and organizations such as LIPRODHOR that actively lobbied the international community to intervene to end the genocide illustrates how sweepingly the accusation of genocide ideology could be applied against government critics.<sup>104</sup> Alison Des Forges was later refused entry to the country in September and December 2008.

In March 2010, during the clampdown on opposition figures and independent journalists in the run-up to the August 2010 elections, the Rwandan immigration authorities cancelled the work visa of HRW's researcher Carina Tertsakian. Both immigration officials and the Criminal Investigations Department of the police questioned her on the paperwork relating to her visa application, pointing to an incorrect date and alleging differences in her colleagues' signatures on the documents. She was allowed to make a second application but this was rejected on 23 April 2010, the day before her legal stay in the country expired.<sup>105</sup>

In June 2014, the Ministry of Justice issued an assessment of its relationship with HRW in which it accused the organization of political bias and of becoming the "campaign mouthpiece" of the FDLR. This followed HRW's publication on 16 May 2014 of a press release<sup>106</sup> documenting several enforced disappearances close to the border with the DRC.<sup>107</sup> HRW refuted the Ministry's allegations, asked for a retraction and reaffirmed the organization's willingness to maintain an open dialogue.<sup>108</sup>

HRW's registration has not yet been renewed, although an MOU was signed in 2016.

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<sup>104</sup> Lars Waldorf, 'Instrumentalizing Genocide: The RPF's Campaign against "Genocide Ideology"', in *Remaking Rwanda: State Building and Human Rights after Mass Violence*, Scott Straus and Lars Waldorf (ed.s), pp. 48-49, 57

<sup>105</sup> Human Rights Watch, 'Rwanda: Allow Human Rights to Work,' 23 April 2010, [www.hrw.org/news/2010/04/23/rwanda-allow-human-rights-watch-work](http://www.hrw.org/news/2010/04/23/rwanda-allow-human-rights-watch-work)

<sup>106</sup> Human Rights Watch, 'Rwanda: Spate of Enforced Disappearances', 16 May 2014, [www.hrw.org/news/2014/05/16/rwanda-spate-enforced-disappearances](http://www.hrw.org/news/2014/05/16/rwanda-spate-enforced-disappearances)

<sup>107</sup> Ministry of Justice, Assessment of the Ministry's relationship with Human Rights Watch, 2 June 2014, [www.minijust.gov.rw/fileadmin/Documents/MoJ\\_Document/HRW\\_-\\_Assessment.pdf](http://www.minijust.gov.rw/fileadmin/Documents/MoJ_Document/HRW_-_Assessment.pdf)

<sup>108</sup> Human Rights Watch, Letter to the Minister of Justice, 12 June 2014, [www.hrw.org/sites/default/files/related\\_material/Letter%20to%20Minister%20of%20Justice%2012%20June%202014.pdf](http://www.hrw.org/sites/default/files/related_material/Letter%20to%20Minister%20of%20Justice%2012%20June%202014.pdf)

# 5. MEDIA'S FREEDOM STIFLED

Intolerant of criticism by civil society, the Rwandan government has also suppressed media freedom and the independence of the media. Journalists have been imprisoned, harassed and even killed. Many more have fled into exile over the years. While journalists continue to work in a very difficult environment, with some employing self-censorship to avoid intimidation and harassment, more recently, some radio stations have started broadcasting call-in programmes in which listeners have occasionally raised sensitive topics, such as the issue of presidential term limits, for discussion. However, pro-government views continue to dominate the media space and few journalists report on sensitive subjects.<sup>109</sup>

Jean Bosco Gasasira, the editor of *Umuwigizi* newspaper, was subjected to a campaign of harassment and intimidation. On the evening of 9 February 2007, he was assaulted by three unidentified men armed with iron bars. The attack took place in Kigali and he was immediately rushed to hospital. A few days before the attack, Jean Bosco Gasasira had published several articles that were critical of the RPF, including one that discussed nepotism within the party. Previously, in August 2006, he had told international press organizations that he was receiving threatening phone calls and feared that he was being monitored by agents of the Directorate of Military Intelligence.<sup>110</sup>

The run up to the 2010 elections witnessed a renewed crackdown on the right to freedom of expression. The Media High Council (MHC), the then regulatory body, suspended *Umuwigizi* and another private Kinyarwanda-language newspaper *Umuseso* from April to October 2010, over the period of the elections. The MHC then called for their indefinite closure claiming that some of their articles threatened national security. Jean-Bosco Gasasira, editor of *Umuwigizi*, and Didas Gasana, editor of *Umuseso*, fled Rwanda in April and May 2010 respectively after receiving threats.<sup>111</sup>

On 24 June 2010, Jean Leonard Rugambage, a journalist and the deputy editor of independent newspaper *Umuwigizi* was shot dead as he reached the gate of his home in the Nyamirambo area of Kigali. Jean Leonard Rugambage had been investigating the shooting of Kayumba Nyamwasa, the exiled former Chief-of-Staff of the Rwandan Army, in Johannesburg on 19 June 2010. On the day Jean Leonard Rugambage was killed, *Umuwigizi* had published an online article alleging that Rwandan intelligence officials were linked to the shooting. Jean Leonard Rugambage had told colleagues that he felt that the surveillance on him had intensified in the days before his murder.<sup>112</sup> In October 2010, two suspects were convicted of his murder. However, there are no indications that the police explored leads that suggested that his murder was politically motivated.<sup>113</sup>

Agnes Nkusi Uwimana, editor of *Umurabyo*, an independent Kinyarwanda-language newspaper, and her colleague Saidati Mukakibibi were convicted in February 2011 on the grounds of articles they had written criticizing government policies and making corruption allegations against senior government officials, including President Kagame. Agnes Nkusi Uwimana was convicted for threatening state security, genocide

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<sup>109</sup> Human Rights Watch, Submission to the Human Rights Committee in advance of the fourth periodic review of Rwanda, 12 February 2016, [www.hrw.org/news/2016/02/12/submission-human-rights-committee-advance-fourth-periodic-review-rwanda](http://www.hrw.org/news/2016/02/12/submission-human-rights-committee-advance-fourth-periodic-review-rwanda)

<sup>110</sup> Amnesty International, 'Rwanda: Freedom of Expression Under Attack', (Index: AFR 47/002/2007)

<sup>111</sup> Amnesty International, 'Unsafe to Speak Out: Restrictions on Freedom of Expression in Rwanda', (Index: AFR 47/002/2011)

<sup>112</sup> Amnesty International, 'Rwanda: Investigate Murder of Rwandan Journalist Jean Leonard Rugambage', (Index: AFR 47/004/2010)

<sup>113</sup> Amnesty International, 'Unsafe to Speak Out: Restrictions on Freedom of Expression in Rwanda', (Index: AFR 47/002/2011)

ideology, divisionism and defamation and Saidati Mukakibibi was found guilty of threatening state security. The prosecution did not sufficiently show how the articles could be construed as a threat to national security or were intended to incite violence, and violated the journalists' right to freedom of expression. The articles referred to the prevailing feeling of insecurity before the elections in 2010 and stated that there were growing divisions within the security forces. On appeal in April 2012, their convictions for endangering national security were upheld, as well as Agnes Nkusi Uwimana's conviction for defamation. They were sentenced on appeal to four and three years in prison respectively.<sup>114</sup>

In October 2014, the BBC Kinyarwanda services were suspended in Rwanda in response to the broadcast of the documentary Rwanda's Untold Story, on the grounds that it violated Rwandan laws on genocide denial, revisionism, inciting hatred and divisionism. The government previously suspended BBC Kinyarwanda on 25 April 2009 after the broadcast of a trailer for a radio programme that was to include a debate on forgiveness among Rwandans after the genocide. Following the recommendation of a committee of inquiry, BBC services were indefinitely suspended by the Rwanda Utilities Regulatory Authority (RURA) on 29 May 2015. Fred Muvunyi, chair of the Rwanda Media Commission (RMC), the media's self-regulatory body, resigned in May 2015 and left the country, reportedly following a dispute over the handling of the BBC case, as well as criticisms contained in the RMC's (unpublished) report on the state of the media in Rwanda.<sup>115</sup>

In 2016, several journalists investigating sensitive issues were arrested and detained. In January 2016, John Williams Ntwali, an investigative journalist was arrested and detained for 10 days, accused of raping a minor. The charge was later changed to indecent assault before the case was dropped for lack of evidence. John Williams Ntwali had been working on several sensitive investigations, including into the circumstances of the death of Assinapol Rwigara.<sup>116</sup> On 3 February, the police confiscated the computers of journalists Ivan Mugisha and Moses Gahigi of *The East African* newspaper, and briefly detained and questioned Ivan Mugisha. They had been investigating alleged cases of corruption and tax evasion.<sup>117</sup>

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<sup>114</sup> Amnesty International, 'Rwandan Journalists' Imprisonment Condemned', 4 February 2011, [www.amnesty.org/en/press-releases/2011/02/rwandan-journalistse28099-imprisonment-condemned-2011-02-04-0/](http://www.amnesty.org/en/press-releases/2011/02/rwandan-journalistse28099-imprisonment-condemned-2011-02-04-0/); Amnesty International, *Annual Report: Rwanda 2013*, 23 May 2013, [www.amnestyusa.org/research/reports/annual-report-rwanda-2013?page=2](http://www.amnestyusa.org/research/reports/annual-report-rwanda-2013?page=2)

<sup>115</sup> Amnesty International, *Amnesty International Report 2015/16: The State of the World's Human Rights*, (Index: POL 10/2552/2016);

Human Rights Watch, 'Rwanda: Restore BBC to the Air,' 27 April 2009, [www.hrw.org/news/2009/04/27/rwanda-restore-bbc-air](http://www.hrw.org/news/2009/04/27/rwanda-restore-bbc-air)

<sup>116</sup> Human Rights Watch, *World Report 2017: Rwanda*, [www.hrw.org/world-report/2017/country-chapters/rwanda](http://www.hrw.org/world-report/2017/country-chapters/rwanda) (hereinafter Human Rights Watch, *World Report 2017: Rwanda*)

<sup>117</sup> Human Rights Watch, *World Report 2017: Rwanda*.

# 6. CONCLUSION AND RECOMMENDATIONS

Attacks on the political opposition, independent media, civil society, and human rights defenders have created a climate of fear in Rwanda and set the scene for the upcoming elections. While killings and enforced disappearances continue into 2017, the memory of such violent acts, as well as the lack of investigations and accountability that followed them, ensures that would-be government critics practice self-censorship.

Amnesty International calls on the Government of Rwanda to take immediate steps to ensure that the August 2017 election takes place in a context of full and effective respect for the rights to freedom of expression, association and peaceful assembly, and to embark upon a longer-term reform process to open up political space before the 2024 elections.

Amnesty International recommends that the Government of Rwanda take the following concrete steps to ensure opposition politicians, journalists, human rights defenders and others can express their views, including legitimate criticism of government policies, without fear for their safety:

## TO THE OFFICE OF THE PRESIDENT:

- Make a public commitment ahead of the August 2017 presidential election reaffirming respect for the rights of freedom of expression, association and peaceful assembly, and call on all levels of government, including the police, security forces and local administrative officials, to refrain from any impermissible restrictions on these rights.

## TO THE MINISTRY OF JUSTICE AND OFFICE OF THE ATTORNEY GENERAL:

- Establish an independent judicial investigative mechanism to look into previous cases of serious human rights violations and abuses against opposition members, journalists and human rights defenders, including the murders of Andre Kagwa Rwisereka, Jean Leonard Rugabage and Jean Damascene Habarugira, as well as the disappearances of Illuminée Iragena and Jean Damascène Munyeshyaka;
- Ratify the International Convention for the Protection of All Persons from Enforced Disappearance and recognise the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of victims or other states parties, as provided in Articles 31 and 32 of the Convention;
- Establish or publicize details about the proposed desk at the Rwanda National Police to investigate reported cases of enforced disappearance, and ensure that family members can report disappearances without fear of reprisals;

- End arbitrary arrest and detention, and ensure that all detainees are given access to legal counsel from the time that they are first arrested and detained;
- Undertake thorough, independent and impartial investigations into reports of harassment of journalists, human rights defenders and opposition politicians and their supporters and bring to justice those suspected to be responsible where there is sufficient admissible evidence;
- Take measures to ensure that the legitimate exercise of rights, such as freedom of expression, is not used as a basis for criminal convictions;
- Decriminalize defamation offences in the review of the Rwandan penal code;
- Reform the Law on Public Assemblies to remove the requirement for prior authorization for public assemblies and instead adopt a regime of prior notification.

## **TO THE RWANDA GOVERNANCE BOARD:**

- Allow NGOs to manage their internal affairs free from unwarranted interference on their independence and freedom of action;
- Streamline and simplify the registration process for national and international NGOs, including by removing the requirement on international NGOs to provide budgetary information for the full period of their registration.

# ANNEX: TIMELINE OF SELECT INCIDENTS

## 1990s

- May 1995: LIPRODHOR director François-Xavier Byuma threatened by soldiers with grenades
- January 1997: Innocent Murengezi, lawyer and human rights defender, disappeared
- 9 March 1998: Death of André Sibomana, Catholic priest and human rights defender. He had not been given a passport in time to allow him to seek treatment abroad for his rare illness
- 16 May 1998: Assassination of former Interior Minister Seth Sendashonga in Nairobi
- 1999: Minister of Justice prevented LIPRODHOR survey on *gacaca* jurisdictions

## 2000

- January 2000: Joseph Sebarenzi forced to resign as Speaker of the National Assembly and fled abroad, fearing for his safety
- February 2000: Pierre-Célestin Rwigema resigned as Prime Minister
- March 2000: Pasteur Bizimungu resigned as President and was replaced in April by Paul Kagame. He left the country
- 5 March 2000: Assiel Kabera, an advisor to Pasteur Bizimungu, shot dead

## 2001

- June 2001: Pasteur Bizimungu and Charles Ntakirutinka's new political party, the Democratic Party for Renewal (PDR-Ubuyanja), banned
- 26 December 2001: PDR-Ubuyanja co-founder, Gratien Munyarubuga, shot dead

## 2002

- April 2002: Pasteur Bizimungu and Charles Ntakirutinka arrested

## 2003

- 30 March 2003: Disappearance of Brigadier-General Emmanuel Habyarimana and Lieutenant-Colonel Balthazar Ndengeyinka
- 7 April 2003: Disappearance of Dr Leonard Hitimana
- 15 April 2003: Parliament voted to dissolve Mouvement Démocratique Républicain (Democratic Republican Movement, MDR) after approving parliamentary commission report that accused the party of propagating a "divisive" ideology
- 23 April 2003: Disappearance of Augustin Cyiza, Vice-President of the Supreme Court, President of the Cassation Court, and founding member of two human rights organizations, with Elizier Runyaruka, law student and cantonal judge

- May 2003: Noel Twagiramungu, President of LDGL, publicly accused of encouraging residents of his home region to vote against the new Constitution
- August 2003: LDGL's Burundian and Congolese representatives prevented from monitoring the presidential elections
- 19 August 2003: Arrest of Léonard Kavutse, founding member of ADEP-Mizero

#### 2004

- June 2004: Pasteur Bizimungu and Charles Ntakirutinka convicted
- 30 June 2004: Adoption of report of parliamentary commission on genocide ideology recommending dissolution of LIPRODHOR
- Noel Twagiramungu: President of LDGL, left the country

#### 2005

- January 2005: LIPRODHOR temporarily closed for financial reasons

#### 2007

- Pasteur Bizimungu pardoned and released
- Two LIPRODHOR members threatened and left country after report publication
- 9 February 2007: Jean Bosco Gasasira, the editor of *Umuwigizi* newspaper, seriously assaulted and taken to intensive care
- 27 May 2007: Francois-Xavier Byuma sentenced to 19 years' imprisonment

#### 2008

- LIPRODHOR not permitted to observe elections as an independent group
- June 2008: Minister of Justice accused Alison Des Forges of genocide ideology
- September 2008: NEC chairman verbally attacks LDGL for elections observation report
- September and December 2008: Alison Des Forges refused entry to Rwanda

#### 2009

- 25 April 2009: Suspension of BBC Kinyarwanda services

#### 2010

- March 2010: Carina Tertsakian, HRW researcher, work permit cancelled
- 23 April 2010: Rejection of Carina Tertsakian's new work permit application
- April 2010: Arrest and release on bail of Victoire Ingabire, President of FDU-Inkingi
- April-October 2010: *Umuwigizi* and *Umuseso* newspapers suspended
- April 2010: Jean Bosco Gasasira fled Rwanda
- May 2010: Didas Gasana, *Umuseso* editor, fled Rwanda
- 24 June 2010: Arrest of Bernard Ntaganda, President of the Ideal Social Party (PS-Imberakuri)
- 24 June 2010: Jean Leonard Rugambage, deputy editor of *Umuwigizi*, shot dead
- 14 July 2010: André Kagwa Rwisereka, vice president of the Green Party, found dead
- September 2010: Pascal Nyilibakwe, LDGL executive secretary, fled Rwanda following harassment linked to UPR process
- October 2010: Re-arrest of Victoire Ingabire

#### 2011

- February 2011: Conviction of journalists Agnes Nkusi Uwimana and Saidati Mukakibibi
- 11 February 2011: Conviction of Bernard Ntaganda, for "divisionism", breaching state security and attempting to plan an "unauthorised demonstration"

## 2012

- 1 March 2012: Charles Ntakirutinka released after serving a ten-year sentence
- 30 October 2012: High Court convicts Victoire Ingabire of conspiracy to harm the existing authority and the constitutional principles using terrorism and grossly minimizing the genocide

## 2013

- 21 July 2013: Ousting of LIPRODHOR board
- 13 December 2013: Supreme Court upholds and adds additional offence to Victoire Ingabire's conviction

## 2014

- January 2014: Sylvain Sibomana, FDU-Inkingi Secretary-General, and Anselme Mutuyimana convicted for "inciting insurrection or trouble among the population" for organising a meeting
- 27 June 2014: Disappearance of Jean Damascène Munyeshyaka, national organizing secretary of the Democratic Green Party of Rwanda
- October 2014: Suspension of BBC Kinyarwanda services

## 2015

- 29 May 2015: Indefinite suspension of BBC Kinyarwanda services
- 12 October 2015: LDGL executive secretary, Epimack Kwokwo, questioned by immigration services

## 2016

- 26 March 2016: Disappearance of Illuminée Iragena, FDU-Inkingi member
- March 2016: Detention of Léonille Gasengayire, FDU-Inkingi member, for three days
- 28 May 2016: Epimack Kwokwo was expelled from Rwanda
- August 2016: Arrest of Léonille Gasengayire on charges of inciting insurrection

## 2017

- 14 February 2017: Disappearance of Violette Uwamahoro, the wife of RNC activist
- 3 March 2017: Police confirm detention of Violette Uwamahoro
- 23 March 2017: Léonille Gasengayire acquitted and released
- 27 March 2017: Judge rules that Violette Uwamahoro should be released on grounds of lack of sufficient evidence
- 12 April 2017: Violette Uwamahoro returns to the UK
- 8 May 2017: Body of Jean Damascène Habarugira, FDU-Inkingi local representative, found
- May 2017: Nude photos of Diane Rwigara, presidential candidate, leaked

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# SETTING THE SCENE FOR ELECTIONS

## TWO DECADES OF SILENCING DISSENT IN RWANDA

Rwandans go to the polls on 4 August 2017 to elect their next president, in a climate of fear created by years of repression against opposition politicians, journalists and human rights defenders. They have been jailed, physically attacked – even killed – and forced into exile or silence. Prior human rights violations and unresolved cases of murders and disappearances continue to have a chilling effect on the current political and human rights context.

Amnesty International calls on the Government of Rwanda to take immediate steps to ensure that the election takes place in a context of respect for the rights to freedom of expression, association and peaceful assembly and to embark upon a longer-term reform process to open up political space before the 2024 elections.

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