

Rwanda

As in previous years, Rwandan authorities in 2006 tightly controlled the country's political space. Some local elections were marred by accusations of fraud or other unfair practices. Although many citizens enjoyed relative security, hundreds of others were illegally detained and some of them physically abused by police or members of the Local Defense Forces. Rwanda drew some positive comment by a peer review team of the New Economic Partnership for Africa (NEPAD) but was criticized for restricting political space and not recognizing diversity.

Gacaca courts, meant to combine customary conflict resolution mechanisms with criminal justice for the 1994 genocide, began operating throughout Rwanda in 2006, but with some courts failing to observe procedural rules. In conventional courts several noteworthy cases, one involving former President Pasteur Bizimungu, failed to meet international fair trial standards. In another case, a priest was sentenced to 12 years in prison for minimizing the genocide.

Gacaca Jurisdictions

In July 2006 gacaca jurisdictions, previously engaged in gathering information about the genocide, began trials nationwide. Establishment of appeals courts lagged behind, limiting the possibility of recourse for those who felt wrongly judged. Among the estimated 700,000 persons accused, more than 47,000 hold local administrative posts and 45,000 are themselves gacaca judges. Officials aim to have completed all trials by 2007, and some courts spend only a few hours hearing each case. Some 50,000 persons confessed their crimes in hopes of receiving reduced sentences, but hundreds of them saw their confessions rejected as untruthful or incomplete and were refused any reduction in sentences, the maximum being 30 years. Prison populations seemed likely to increase rather than decrease, as had been intended when the gacaca jurisdictions were established.

The jurisdictions supposedly draw legitimacy from popular participation, but many Rwandans do not trust them and either boycott the sessions or attend under duress. Courts jailed dozens of witnesses and defendants for refusing to speak completely or truthfully, in some cases without following due process to determine their actual guilt. In some cases judges used their power to settle personal or political scores: for example, a panel of judges jailed journalist Jean-Leonard Rugambage for 11 months on apparently false charges after he published an article on corruption in gacaca jurisdictions. In this case, as in some others where judges acted inappropriately, gacaca officials intervened and held that arrest procedures had been illegal. Because gacaca courts do not hear accusations of crimes committed by soldiers of the Rwandan Patriotic Front (RPF), now the dominant political force in Rwanda, the system appears to deliver one-sided justice.

In 2005 nearly 20,000 Rwandans fled to Burundi and still many others fled in 2006, many because they feared action by gacaca jurisdictions. In one exceptional case, a Tutsi man said he fled because a local administrator pressed him to make a false genocide accusation. Very few received asylum in Burundi, and all except some 5,000 had returned to Rwanda by October 2006.

Confronting Divisionism and Genocidal Ideology

In a continuing campaign against “divisionism” and “genocidal ideology,” authorities compiled a list of hundreds of persons suspected of such ideas. Banned by the constitution, “divisionism” is vaguely and broadly defined in a 2001 law. A priest was sentenced to 12 years’ imprisonment in September 2006 for minimizing the genocide. In a sermon he had suggested it was wrong to call persons who participated in genocide “dogs.” During the trial, the prosecutor allegedly said that those convicted of genocide were not human and should properly be called “dogs.”

Performance of the Judiciary and Fair Trial Concerns

From 2002 to 2004 Rwandan courts came to a virtual standstill as reforms meant to increase their efficiency were implemented. In the first months of 2006 judicial activity was again stalled because extensive administrative reforms, implemented January 1, meant that territorial divisions no longer corresponded to jurisdictions.

When the courts resumed work in 2006 more than 12,000 penal cases were pending, with some 70,000 of the most serious cases of genocide also scheduled to be tried in the conventional courts.

In January 2006 the Supreme Court heard the appeal of former President Pasteur Bizimungu, former minister Charles Ntakirutinka, and six co-accused convicted in a 2004 trial. After two years in detention, Bizimungu and Ntakirutinka had been tried for creating a criminal association, spreading rumors to incite rebellion, and plotting to overthrow the government; the six co-accused were charged with creating a criminal association. The conduct and outcome of the trial had raised issues of fairness: one prosecution witness told the court that he had been beaten by police and detained for two years to force him to testify, and one of the co-accused was also threatened in an effort to get him to testify falsely against the others; the court refused to allow the defendants and their counsel to fully cross-examine witnesses; and the prosecution relied largely on the testimony of a single witness who repeatedly contradicted himself and was contested by seven defense witnesses. In 2004 the court had sentenced Bizimungu to 15 years in prison, Ntakirutinka to 10 years, and the others to five years each. In its January 2006 decision the Supreme Court reversed the conviction of the six co-accused but maintained the convictions and sentences of Bizimungu and Ntakirutinka.

In another case based largely on the testimony of a single witness, former Head of External Security Col. Patrick Karegeya was convicted of desertion and insubordination, stripped of his rank, and sentenced to 20 months in military prison. Karegeya had been detained without charge for five months in 2005.

In 2006 a US District Court rejected confessions of three Rwandans accused of murdering US citizens at Bwindi, Uganda, in 1999. The judge held that the confessions had been coerced by Rwandan police and intelligence agents through “unconscionable conditions and abuse” while they held the accused at Kami military camp. The US Justice Department appeared unlikely to pursue the case, leaving in question the fate of the three who had been drugged and brought to the US in 2003 by US officials in an exercise of extraterritoriality.

Freedom of Expression and Pressure on Civil Society

After harsh criticism of the press by high officials, including President Paul Kagame, in the early months of 2006 several journalists were followed by unidentified men, threatened by phone, or detained for official questioning. One journalist was beaten by armed men who told him to warn a colleague that they wanted no further interference with their work. As during the previous year, some journalists chose to leave the country rather than work in such conditions.

Most human rights organizations and some journalists practiced self-censorship, fearing reprisals by officials. When the League for the Defense of Human Rights in the Great Lakes (LDGL) documented electoral irregularities, it was castigated by the chairman of the National Electoral Commission, who said that the LDGL must have wanted “violence, delays, and confusion” in the voting process. Intelligence agents appeared to follow closely the activities of human rights organizations, and RPF leaders pressured one organization to elect persons it favored to leadership posts.

Local-Level Democracy

In February-March 2006 Rwandans voted for local authorities. In contests at the lowest administrative levels, voters lined up behind their chosen candidates. Contests for officials at the next higher level used secret ballots, but observers reported numerous irregularities, including stuffing of ballot boxes and intimidation of candidates. Disputes over the results led to confrontations between voters and election officials in some areas. In a number of contests, only one candidate stood for election.

In June unidentified assailants assaulted a district mayor who had been in conflict with senior figures of the RPF. He was later forced to resign and fled the country.

Illegal Detentions, Torture, and Ill-Treatment

Police and members of Local Defense Forces illegally detained and abused hundreds of persons, many of them street children and members of other vulnerable groups in Kigali, the capital, during the first months of 2006. Kept in dilapidated warehouse buildings at an unofficial detention center, hundreds of detainees suffered from lack of food, water, and medical care. Children were abused by adult detainees and

women reported rape by security personnel. After Human Rights Watch published a report on the center, authorities closed it, forcing most detainees to leave in the middle of the night.

Evictions and Curbs on Land Use

As part of the “modernization” of Kigali, houses built without authorization in the poor sectors of the city were demolished. Though officials claimed that 15 days’ notice was provided prior to demolition, many residents said this was untrue.

As Rwanda moves to implement wide-ranging land reform adopted in 2005, officials of two districts ordered residents to cut down their banana plantations and replace them with ornamental trees or more productive crops. Following public outcry in one district, officials said that residents would not be forced but only “persuaded” to comply.

Key International Actors

In 2006 many international donors continued to provide generous financial and political support to Rwanda. In one rare case of criticism on a human rights issue, the European Commission expressed concern over the illegal detention of street children.

The peer review mechanism of the New Partnership for African Development (NEPAD) gave Rwanda a generally favorable report but criticized its apparent “desire to obliterate distinctive identities,” including that of the minority Batwa, and the “‘rehearsed’ participation in public affairs as determined by political authorities.” Concerned about limits on political space, the team recommended recognizing “the need for political parties and civil society to operate freely.” After praising gacaca as a potentially useful innovation, the team raised concerns about the extent of its legitimacy among Rwandans. The team also asked why the percentage of Rwandans living in poverty had increased despite five years of efforts supposedly meant to improve their status. President Kagame responded by criticizing the team’s methodology and defending the practices in question.