



January 2008

country summary

## Rwanda

The Rwandan government continues to struggle with the consequences of the genocide that killed about three-quarters of the Tutsi population in 1994.

In 2001, Rwanda established a system of community-based *gacaca* courts to try all but the most egregious genocide-related crimes. In many jurisdictions faulty judicial performance undermined trust in the system. As the number of persons accused of genocide soared to 818,000, the government in March 2007 reformed the *gacaca* jurisdictions for the third time, seeking to expedite the trials.

In 2006 and 2007 several survivors of the genocide and judges involved in *gacaca* jurisdictions were murdered, and others suffered property damage. Officials began holding local residents collectively responsible for alleged offenses against survivors, arbitrarily imposing fines and even beating people in communities where survivors had been harassed.

Police officers killed at least 20 detainees since late 2006, claiming they were trying to escape. Asked to explain the deaths, a police official said the detainees—even those charged with ordinary crimes like theft of electrical cable—had shown “genocidal ideology.”

Rwanda’s prison population reached a high of 97,000 in July 2007, before authorities released some 20,000 people. In Kigali city officials reopened an irregular detention facility, closed in 2006, where children, women, and others rounded up by police are again being kept in harsh conditions.

Officials forced one human rights group to change its name and mandate in order to obtain legal recognition and repeatedly harassed journalists critical of the government. In February 2007 a journalist was severely beaten by assailants and another fled the country.

After a UN Development Program study documented growing inequality beneath Rwanda's apparently successful economic development, the government denounced the research and publicly criticized its authors. Meanwhile, farmers in at least one district had crops uprooted when they refused to follow a new policy on land use.

### **Extrajudicial Executions, Collective Punishment, and Arbitrary Detention**

By mid-2007 Rwanda National Police officers had killed at least 20 detainees in apparent extrajudicial executions. The frequency of such killings began to increase in late 2006, following publicity surrounding the killings of several genocide survivors and others involved in the *gacaca* jurisdictions.

Faced with demands for increased protection of survivors, officials ordered collective punishments, including beatings and fines, for persons living in neighborhoods where survivors and others involved in *gacaca* had suffered property loss or damage. Those punished were not tried but were held responsible for the alleged offenses merely because they lived in the vicinity.

In 2006 Kigali city officials closed an irregular detention center after Human Rights Watch reported that people were being detained there in harsh conditions, without legal procedure, sometimes for months at a time. However, early in 2007 officials reopened the facility, again detaining scores of children and others picked up from city streets.

### ***Gacaca* Jurisdictions**

The *gacaca* law was amended in May 2007 to increase the number of *gacaca* courts in order to speed trials of an estimated 818,000 persons accused of genocide. The law also changed the categorization of crimes, so that more suspects will be referred to *gacaca* jurisdictions, rather than to conventional courts. Previously *gacaca* courts could impose no sentence longer than 30 years but the amended law authorizes them to impose life imprisonment. As before, accused persons have no right to counsel in *gacaca* jurisdictions. The amended law also provides for suspended sentences and for more use of community service as an alternative to incarceration.

By October some 47,000 persons were sentenced to community service and some 10,000 were carrying it out, including breaking rocks for road construction or terracing agricultural land. At this writing authorities continue to insist that *gacaca* courts would finish trials by early 2008, although tens of thousands of cases remain outstanding in late 2007.

Popular trust in *gacaca* appears to have declined as numerous cases of faulty procedure, judicial corruption, and false accusations became known. In August, a *gacaca* appeals court upheld the 19-year prison sentence of human rights activist Francois-Xavier Byuma, even though his original trial was marred by grave procedural errors. The trial judge was known to have a prior conflict with Byuma but had refused to recuse himself, as law required and Byuma requested. Byuma, head of an association for the defense of childrens' rights, had previously investigated allegations that the judge had raped a minor. The judge also failed to accord Byuma the right to defend himself fully.

## Justice

In a prominent trial known as "the media case", the appeals court of the International Criminal Tribunal for Rwanda (ICTR)—the international court trying genocide and other crimes committed in 1994—upheld in part the conviction of Jean-Bosco Barayagwiza, Ferdinand Nahimana, and Hassan Ngeze for inciting genocide, but reduced Baragwiza's sentence by three years and the sentence of the others, from life to 30 years and 35 years in prison respectively. The ICTR is due to end trials in 2008 but several cases will likely not be heard before the deadline and may be transferred to national jurisdictions. In November 2007 the ICTR transferred two cases to French courts for trial. In an effort to assure that cases would be transferred to its courts, Rwanda created special prison facilities and assured the ICTR judges that fair trials would be held.

In July Rwanda abolished the death penalty, a requirement for Rwandan courts to receive cases from jurisdictions that prohibit it, including the ICTR. Death sentences were commuted to life imprisonment; persons convicted of genocide, like others found guilty of particularly brutal crimes, may be sentenced to serve their terms in solitary confinement.

In April President Paul Kagame pardoned former president Pasteur Bizimungu, imprisoned for 15 years on charges of forming a criminal association and inciting rebellion after he attempted to form a political party to rival the dominant Rwandan Patriotic Front. Former minister Charles Ntakirutinka, imprisoned for 10 years on the same charges, remained in jail. The two were detained for two years before being convicted in April 2004 in a trial that fell short of international standards.

## **Human Rights Defenders and Journalists**

Mindful of harsh official repression in 2004, most human rights organizations practiced some measure of self-censorship, but the League for the Defense of Human Rights of the Great Lakes (LDGL) spoke out on some sensitive issues, including the police shooting of detainees. It also criticized the lack of civil society participation in the African Peer Review Mechanism (APRM) process that evaluates political space for opposition and civil society.

Officials had previously refused to recognize the Community of Indigenous Peoples in Rwanda (CAURWA), which defends the rights of the Batwa minority (some 30,000 people), claiming its name and purpose were “divisionist” and therefore illegal. After the African Peer Review experts criticized Rwanda’s hostility to diversity among its citizens, the government accorded legal status to the organization, but only after it changed its name. The group no longer refers to its members as “indigenous people” but as potters, because many Batwa are, or used to be, potters.

Officials repeatedly chastised journalists for irresponsible reporting and in September 2007 one minister suggested in a televised debate that several of them were colluding with regional rebel groups. President Kagame regularly held press conferences but sometimes responded angrily to probing questions. In February, shortly after journalist Jean-Bosco Gasasira raised harassment of the press by intelligence agents in one such press conference, assailants attacked and beat him with iron bars. A suspect in the attack has been linked with senior military intelligence officials. He has not been brought to trial.

Throughout the year journalists were interrogated, detained without charge for several days or dismissed from their jobs after criticizing the government. In October high-ranking civilian and police officials twice warned journalists that they faced serious consequences if press criticism were to continue. One journalist feared for his life and left the country.

## **Recruitment of Child Soldiers in Rwanda**

In early 2007 Congolese Tutsi refugees, some of them children, were recruited in refugee camps in Rwanda and taken for military service in the forces of rebel general Laurent Nkunda, fighting against the Congolese government. Rwandan authorities at first denied all knowledge of the recruitment but later agreed to a UNHCR proposal to curb such activity.

## **Growing Inequality and Land-Related Abuses**

The United Nations Development Program (UNDP) reported that Rwandan economic growth, praised by the international community, was promoting large, growing, and potentially destabilizing inequalities between classes, regions, and between men and women. The cabinet angrily forced the minister who had approved the report to disavow it. Government employees involved in producing the report were sanctioned and one of its Rwandan authors was denounced publicly by an official.

Officials began implementing a new land policy that, among other measures, requires farmers to plant a single crop designated for their region. In Musanze District an RPF leader who headed the local cooperative obliged farmers to uproot crops to plant potatoes. The farmers then had to sell the potatoes to the cooperative at a price they judged unfair.

## **Key International Actors**

Donors, generally satisfied with Rwanda's apparent economic growth and less aggressive stance in the DRC, said little publically about Rwanda's human rights performance. But several, including the United States and the United Kingdom, which are major supporters, intervened privately on at least two occasions to protest police killings of detainees and to inquire about increased killings of survivors and

others. No further killings by police have been reported since their intervention. Belgium, a major donor to *gacaca* jurisdictions, and the UK also raised questions about several blatantly unfair *gacaca* cases. The European Union acknowledged that criticisms of *gacaca* were justified and expressed concern about the proposed hasty completion of trials.