



**The State of Human Rights in Rwanda
Statement by Amnesty International USA
before the House Subcommittee on Africa, Global Health, Global Human Rights and
International Organizations
Prepared by Adotei Akwei¹**

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Chairman Smith, Ranking Member Bass and other members of the Subcommittee, on behalf of Amnesty International USA I would like to thank you for the opportunity to testify before this Committee. Your consistent engagement and leadership on issues related to Africa, human rights and US Africa policy has been and continues to be essential to making sure that issues and developments in the continent receive the attention they deserve, and in 2017 this function has become even more critical.

Amnesty International is a global human rights movement established in 1961 with 7 million members, offices in Dakar, Nairobi, Johannesburg, Abuja and a presence in 70 countries. We have been working to improve the respect and protection of human rights in Rwanda since the early 1970s.

Amnesty International does not take a position on the type of political system a country may have. It is our belief that fundamental human rights must be guaranteed and upheld by all political systems. We do consider the rights associated with elections such as freedom of expression, association, assembly among others, to be critical - not only to the election itself but also to the overall health of open political space. The way governments engage with critics and voices of dissent, how they interact with civil society and treat human rights defenders are critical indicators that go beyond a single election. With your permission, I would like to share our analysis and recommendations regarding the state of human rights in Rwanda for the record and look forward to discussing ways in which the United States and the international community can help Rwanda change course and avoid the further erosion of rights that has become a defining characteristic of the RPF administration.

¹ * With the help of Dr. Ken Harrow, Alana Smith, Essowe Telou, Rachel Nicholson and Christian Rumu

Background

The August 4 elections granted incumbent President Paul Kagame his third term in office. This followed a referendum in 2015 which changed the constitution, allowing President Kagame to stand again in 2017 and for two further terms should he so wish. During the 23 years that the Rwandan Patriotic Front has ruled the country there has been an unwavering, often brutal campaign against government critics and human rights defenders.

This campaign has included attacks on political opposition members including arrest, detention, disappearances and killings, restrictions on the media and the activities of civil society organizations and the creation of a climate of fear. These concerns have been echoed by other human rights organizations and the US Department of State which noted in its 2016 report that

The most important human rights problems were government harassment, arrest, and abuse of political opponents, human rights advocates, and individuals perceived to pose a threat to government control and social order; security forces' disregard for the rule of law; and restrictions on media freedom and civil liberties. Due to restrictions on the registration and operation of opposition parties, citizens did not have the ability to change their government through free and fair elections.

Other major human rights problems included arbitrary or unlawful killings; torture and harsh conditions in prisons and detention centers; arbitrary arrest; prolonged pretrial detention; government infringement on citizens' privacy rights and on freedoms of speech, assembly, and association; government restrictions on and harassment of some local and international nongovernmental organizations (NGOs), particularly organizations that monitored and reported on human rights and media freedoms; some reports of trafficking in persons; and government restrictions on labor rights; and child labor.

The government in many cases took steps to prosecute or punish officials who committed abuses, including within the security services, but impunity involving civilian officials and the SSF was a problem.²

Sadly, assessments of the government's performance regarding respecting human rights in lead up to the 2017 elections have not improved. Key human rights violations included

Attacks on Political Opposition

The government has actively cracked down on political opposition groups over many years.

On September 23, Diana Rwigara, along with her mother and sister, was arrested by Rwandan police accused of offenses against state security and forgery. Rwigara had tried to run against Kagame in the August 2017 elections before being disqualified. Shortly after she declared her intention to stand she was subjected to a smear campaign on social media.

² Rwanda, Country Reports on Human Rights Practices for 2016, Bureau of Democracy, Human Rights and Labor, March 2017

Unregistered opposition political party **FDU-Inkingi** has faced numerous restrictions since its president, Victoire Ingabire's, return to Rwanda in 2010 to attempt to stand in the 2010 presidential election. On the day of her return, she made a speech in which she discussed the lack of recognition of Hutus that had been killed during the genocide. She was sentenced to 8 years of prison for: "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." Amnesty International is not in a position to assess the validity or otherwise of the terrorism-related charges in this case. During the trial, the judges showed open hostility toward her and constantly interrupted her despite the fact that the evidence used to convict her was linked to the legitimate expression of her ideas as guaranteed under the African Charter for Human and Peoples' Rights and the International Covenant on Civil and Political Rights. When she appealed her conviction to the Supreme Court on the basis of unfair trial, the Court said her claims were unfounded and lengthened her imprisonment to 15 years for spreading lies in order to incite the population to revolt against the current government. _

In March 2016, another member of the **FDU-Inkingi** party, Illuminée Iragena, went missing, and another, Leonille Gasengayire was arrested for inciting insurrection, but was later acquitted. Both members were known to have visited Victoire Ingabire in prison. In September 2017, the party's vice-president Boniface Twagirimana, along with Leonille Gasengayire and several other members were arrested, accused of links to armed groups operating in a neighboring country.

Other opposition party figures such as members of **PS-Imberakuri** have previously been arrested and found guilty of "divisionism" for criticizing government policies. This follows the murder of the vice-president of the Green Party in 2010 and disappearances of various members.

Restrictions on Independent Media and Civil Society

The Rwandan government continues to suppress the independence and freedom of the media. Numerous journalists have been imprisoned, harassed and even killed, while many more have fled into exile over the years.

In 2016, at least three journalists were briefly detained after investigating sensitive issues, such as corruption or possible suspicious deaths on the part of the Rwandan government. The government also impedes the work of NGOs in the country through excessive registration procedures.

The BBC Kinyarwanda services were indefinitely suspended by the Rwanda Utilities Regulatory Authority (RURA) on 29 May 2015 after 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 editor of *Umurabyo*, an independent Kinyarwanda-language newspaper, and her colleague 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. While both were eventually released their incarceration is a chilling example of what journalists and human rights defenders in Rwanda risk for doing their jobs.

These actions mirror previous media crackdowns. The government suspended the newspaper *Umuvugizi* and another private Kinyarwanda- language newspaper *Umuseso* from April to October 2010, the same period as the 2010 elections. The Rwanda Media High Council then called for their indefinite closure claiming that some of their articles threatened national security.

Conclusions

Member of the Subcommittee, in 2010 President Kagame won 93% of the vote. In 2017 he won 99%. The concerns listed above are just some examples of the patterns of repression over the 23-year rule of the RPF.

In 2010, Amnesty reported that authorities tightly controlled political space in advance of the 2010 presidential elections, freedom of expression was unduly restricted by broad laws on genocide ideology, human rights defenders continued to exercise self-censorship to avoid confrontations with the authorities, and conventional courts still fell short of fair trial standards.

In 2011, we reported that the authorities restricted freedom of expression and association before presidential elections in August that year. Media outlets that criticized the government were closed down and editors fled Rwanda. Human rights defenders faced intimidation. Investigations into killings were inadequate. In 2012 Amnesty reported that the Rwandan government increasingly prosecuted individuals for criticizing government policies and that there was a rise in unlawful detentions. Violations included restrictions that were imposed on freedom of expression and the arrests and unfair convictions of opposition politicians and journalists. In 2013, Amnesty reported that the government continued to stifle legitimate freedom of expression and association and that the illegal detention and allegations of torture by Rwandan military intelligence were not investigated. That year the Rwandan government was also found by the UN Group of Experts to have provided military support to the M23 armed group in the neighboring Democratic Republic of the Congo (DRC) which was linked to rape, extrajudicial execution and the use of child soldiers. The government's crackdown and restriction on freedom of expression, assembly and association, repression of journalists, human rights defenders, and members of opposition parties who openly criticized the ruling government, use of unfair trials and unlawful detentions were raised in our Annual Human Rights Reports for 2014 2015 and 2016.

In 2017, we again reported on the severe restrictions human rights defenders, media and opposition politicians on their rights to freedom of expression, association and peaceful assembly in the run-up to elections this year and over many years.

The international community including the Clinton, Bush and Obama administrations have been at best half-hearted in confronting President Kagame and pressing the Rwandan government to reform its policies regarding human rights and political space. The Obama administration did press the Rwandan government and military to end their support of M23 but US leadership on human rights reform inside Rwanda has been at best tepid.

Some have argued that Rwanda is still emerging from the 1994 genocide. Others have argued that because Rwanda is doing well economically the current administration should be given more latitude. This argument must be rejected as it subverts our common obligation to protect and stand for rights that have been adopted as universal.

Amnesty International has called on the Government of Rwanda to embark upon a longer-term reform process to open up political space before the 2024 elections. We expect the US government to support this call.

Policy Recommendations

Mr. Chairman, members of the subcommittee, the United States Government and the international community must speak up in defense of human rights defenders, journalists and civil society in Rwanda. Specifically, the United States should

1. Call on President Kagame and the government of Rwanda to prevent restrictions on, or harassment of, opposition candidates, their supporters, journalists and human rights defenders and establish an independent judicial investigative mechanism into serious violations of freedom of expression, assembly and association in past and present, including the murders of Andre Kagwa Rwisereka, Jean Leonard Rugambage and Jean Damascene Habarugira, as well as the disappearances of Illuminée Iragena and Jean Damascène Munyeshyaka;
2. Urge the Rwandan government to decriminalize defamation offences in the review of the Rwandan penal code;
Call upon the Rwandan government to reform the Law on Public Assemblies to remove the requirement for prior authorization for public assemblies and instead adopt a regime of prior notification.
Increase US funding for programs focused on building respect for human rights, the rule of law and independence of the judiciary.