

# Human Rights Watch

## Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

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### Annual reports

Events of 2012

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The Human Cost of Environmental Neglect

When "Values" Trample Over Rights

A Failed Approach to Corporate Accountability

Rwanda has made important economic and development gains, but the government has continued to impose tight restrictions on freedom of expression and association. Opposition parties are unable to operate. Two opposition party leaders remain in prison and other members of their parties have been threatened. Two journalists arrested in 2010 also remain in prison, and several others have been arrested. Laws on genocide ideology and the media were revised, but had not been adopted at this writing.

Community-based *gacaca* courts set up to try cases related to the 1994 genocide closed in June 2012. The trial of Jean Bosco Uwinkindi, the first case transferred to Rwanda by the International Criminal Tribunal for Rwanda (ICTR), opened in Kigali.

Several governments have suspended part of their assistance to Rwanda in response to Rwandan military support for the M23 rebel group in the Democratic Republic of Congo (DRC).

Bernard Ntaganda, founding president of the PS-Imberakuri opposition party, remained in prison after the Supreme Court in April upheld charges of endangering state security and divisionism, and confirmed his four-year sentence handed down in 2011. The charges related solely to his public criticisms of the government.

Several other PS-Imberakuri members were threatened, intimidated, and questioned by the police about their political activities. On September 5, Alexis Bakunzibake, the party's vice president, was abducted by armed men in the capital Kigali, blindfolded, and detained overnight in a location he could not identify. His abductors questioned him about the PS-Imberakuri's activities, its membership and funding, and its alleged links to other opposition groups. They tried to persuade him to abandon his party activities, then drove him to an undisclosed location before dumping him across the border in Uganda.

The trial of Victoire Ingabire, president of the FDU-Inkingi party, which began in September 2011, concluded in April. She was charged with six offenses, three of which were linked to terrorist acts and creating an armed group. The other three—genocide ideology, divisionism, and spreading rumors intended to incite the public to rise up against the state—were linked to her public criticism of the government. On October 30, after a flawed trial, she was found guilty of conspiracy to undermine the government and genocide denial, and sentenced to eight years in prison. There were doubts about the reliability of some evidence after a witness called by the defense undermined the credibility of one of Ingabire's co-defendants. The co-defendant may have been coerced into incriminating Ingabire while in military detention. The witness (a prisoner) was subjected to intimidation after making his statement. Prison authorities searched his cell on the orders of the prosecution and seized his personal documents, including notes he had prepared for his court statement. In court, the prosecution confirmed the search by producing the notes.

In September, eight FDU-Inkingi members were arrested in Kibuye and accused of holding illegal meetings. They were charged with inciting insurrection or public disorder and held in preventive detention. Also in September, Sylvain Sibomana, secretary-general of the FDU-Inkingi, and Martin Ntavuka, FDU-Inkingi representative for Kigali, were detained overnight by police near Gitarama after they made critical comments about government policies during an informal conversation on a bus. They were released without charge.

Frank Habineza, president of the Democratic Green Party of Rwanda who had fled the country in 2010 following the murder of the party's vice president, returned to Rwanda in September to re-launch his party and register it before parliamentary elections in 2013. The party had to postpone its congress planned for November because the government did not grant the necessary authorization.

The trial of six men accused of attempting to assassinate Gen. Kayumba Nyamwasa, a former senior army official who became an outspoken government critic, in Johannesburg in 2010, continued in South Africa.

Parliament approved new media laws, which in theory could increase the scope for independent journalism. The laws were awaiting adoption at this writing. In practice, journalists continue to be targeted for articles perceived to be critical of the government.

Agnès Uwimana and Saidati Mukakibibi, journalists writing for the newspaper *Umurabyo*, who were arrested in 2010, remained in prison. After being sentenced in 2011 to 17 years and 7 years, respectively, in connection with articles published in their newspaper, they appealed the verdict. On April 5, the Supreme Court reduced their sentences to four and three years, respectively. It upheld charges of endangering national security against both women, and a charge of defamation against Uwimana. It dropped charges of minimization of the 1994 genocide and divisionism against Uwimana.

In August, Stanley Gatera, editor of *Umusingi* newspaper, was arrested and charged with discrimination and sectarianism in connection with an opinion article published in his newspaper about marital stability and the problems posed, in the authors' view, by the supposed allure of Tutsi women. He was sentenced to one year's imprisonment in November.

In April, Epaphrodite Habarugira, an announcer at Radio Huguka, was arrested and charged with genocide ideology after apparently mistakenly, during a news broadcast, mixing up words when referring to survivors of the genocide. He spent three months in prison before being acquitted in July. The state prosecutor appealed against his acquittal.

Idriss Gasana Byringiro, a journalist at *The Chronicles* newspaper, was abducted on June 15, questioned about his work and his newspaper, and released the next day. In the following days, he received anonymous threats, warning him to abandon journalism. He reported his abduction and threats to the police. On July 17, the police arrested him. Two days later, he was presented at a press conference where he retracted his earlier statements and claimed he had faked his own abduction. Initial information indicated he may have been coerced into making this confession. He was released on bail and was at this writing awaiting trial for allegedly making a false statement to the police.

In June, Tusiime Annonciata of Flash FM radio was beaten unconscious by police and security personnel outside parliament after they accused him of trying to enter a parliamentary committee session without authorization.

Charles Ingabire, editor of the online newspaper *Inyenyeri News* and a vocal government critic, was shot dead in the Ugandan capital Kampala on November 30, 2011. He had been threatened in the months leading up to his death. Ugandan police stated they were investigating the case, but no one was prosecuted for Ingabire's murder.

Independent civil society organizations remained weak due to years of state intimidation. Few Rwandan organizations publicly denounced human rights violations. The Rwandan government and pro-government media reacted in a hostile manner towards international human rights organizations and attempted to discredit their work.

In June, the Council of Ministers approved an amended version of the 2008 genocide ideology law, which has been used to silence critics. At this writing, the revised law was before parliament. The revised law contained improvements, in particular a narrower definition of the offense and a reduction in prison sentences. However, it retained the notion of genocide ideology as a criminal offense punishable by imprisonment and contained vague language that could be used to criminalize free speech.

Community-based *gacaca* courts, which were set up to try genocide-related cases, closed in June, after trying almost two million cases, according to government statistics.

In the first case to be transferred from the ICTR, Jean Bosco Uwinkindi was sent from Arusha, Tanzania, to Rwanda in April to stand trial for genocide. Preliminary court hearings took place in Kigali. The ICTR agreed to transfer seven other cases to Rwanda.

In January, academic and former government official Lon Mugesera was sent back to Rwanda from Canada to face charges of planning of and incitement to genocide. Preliminary court hearings took place in Kigali.

Court proceedings against Rwandan genocide suspects took place in several other jurisdictions, including Canada, Norway, Sweden, Germany, and the Netherlands.

On January 13, the High Court in Kigali, ruling in the trial of 30 people accused of involvement in grenade attacks in 2010, sentenced 22 defendants to prison terms ranging from five years to life imprisonment, and acquitted eight defendants. The judges did not take into account statements by several defendants that they had been detained incommunicado in military custody and tortured.

Gen. Kayumba Nyamwasa's brother, Lt-Col. Rugigana Ngabo, who was arrested in 2010 and held incommunicado in military custody for five months, was tried by a military court behind closed doors and sentenced in July to nine years imprisonment for endangering state security and inciting violence. In response to a habeas corpus application by his sister in 2010, the East African Court of Justice (EACJ) ruled in December 2011 that Ngabo's incommunicado detention without trial had been illegal. The Rwandan government appealed this decision, but it was upheld by the EACJ's appellate division in June.

The Rwandan military provided support to the Congolese rebel group M23, which launched a mutiny against the Congolese army in March. The M23 committed serious abuses in eastern Congo, including killings of civilians, summary executions, rape, and forced recruitment (see chapter on the DRC). In violation of the UN arms embargo on non-state actors in eastern Congo, Rwandan military officials supplied the M23 with weapons, ammunition, and new recruits, including children. Rwandan troops crossed into Congo to assist the M23 in military operations, including a November offensive in which the M23 took control of the town of Goma. The Rwandan government denied any involvement in supporting the M23.

Several governments including those of the United States, the United Kingdom, Germany, Sweden, the Netherlands, Belgium, and the European Union suspended or delayed part of their assistance programs to Rwanda in response to Rwandan military support to the M23. In September, the UK government resumed half the aid it had suspended in July, despite continued Rwandan military backing for the M23. Expressions of diplomatic concern intensified in November as the M23 took control of Goma.

In October, Rwanda was elected to the United Nations Security Council, raising concerns about a conflict of interest in view of Rwanda's breaches of the UN arms embargo and the involvement of its troops in Congo.

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