



Submission to the United Nations Universal Periodic Review

23rd Session of the UPR Working Group

Republic of Rwanda

Submitted 23 March 2015

Joint Submission by:

***CIVICUS: World Alliance for Citizen Participation*, NGO in General Consultative Status with ECOSOC**

-And-

***The East and Horn of Africa Human Rights Defenders Project*, NGO in Special Consultative Status with ECOSOC**

Contact details for CIVICUS: World Alliance for Citizen Participation

Mr David Kode, Email: david.kode@civicus.org
Ms Renate Bloem, Email renate.bloem@civicus.org
Tel +27 11 8335959, Web www.civicus.org

Contact details for the East and Horn of Africa Human Rights Defenders Project

Mr Hassan Shire, Email: executive@defenddefenders.org
Mr John Foley, Email advocacy@defenddefenders.org
Tel: +256 414 510 263, Web www.defenddefenders.org

1. (A) Introduction

- 1.1 CIVICUS: *World Alliance for Citizen Participation* is an international movement with members in more than 100 countries. Established in 1993, CIVICUS nurtures the foundation, growth and protection of citizen action throughout the world, especially in areas where participatory democracy and citizens' freedom of association are threatened.
- 1.2 The *East and Horn of Africa Human Rights Defenders Project* (EHAHRDP) is a non-governmental organisation registered and based in Uganda. Established in 2005, EHAHRDP seeks to strengthen the work of human rights defenders (HRDs) throughout the East and Horn of Africa region by reducing their vulnerability to the risk of persecution, and by enhancing their capacity to effectively defend human rights. EHAHRDP focuses its work on Burundi, Djibouti, Eritrea, Ethiopia, Kenya, Rwanda, Somalia (together with Somaliland), South Sudan, Sudan, Tanzania and Uganda. EHAHRDP serves as the Secretariat of The *East and Horn of Africa Human Rights Defenders Network* (EHAHRD-Net), representing more than 75 member organisations.
- 1.3 In this document, *CIVICUS* and *EHAHRDP* outline a series of urgent concerns relating to the operating environment in which civil society activists, human rights defenders and journalists have been systemically targeted by the government of the Republic of Rwanda since 2011. We outline several highly concerning examples, which are illustrative of a pattern of systemic threats faced by many Rwandans, in the exercise of the rights to freedom of expression, association and assembly. Moreover, we illustrate more generally the failure on the part of the government of the Republic of Rwanda to uphold and implement the recommendations accepted during its initial examination under the Universal Periodic Review (UPR) that relate to human rights defenders, and civil society.
- 1.4 During its initial examination under the UPR in 2011 (the country concerned was reviewed in the Working Group in January 2011, with adoption in June 2011), the Republic of Rwanda fully accepted 67 recommendations, and rejected 6 recommendations. Of those 67 recommendations accepted, these included five recommendations that explicitly concerned the operating space for NGOs- in effect, the key pillars of civil society and the human rights movement (Recommendations 100, 116, 117, 118, and 119).
- 1.5 In addition, the government of the Republic of Rwanda accepted a number of other key recommendations, committing, *inter alia*, to ensuring that human rights defenders are not subjected to harassment and intimidation. The government committed to guaranteeing freedom of expression, and to taking measures to protect the rights of journalists and human rights defenders.
- 1.6 Since the last UPR process in 2011, independent civil society organisations, NGOs, and individual human rights defenders in Rwanda have continued to face escalating intimidation and reprisals- in the course of, and as a consequence of- their work. A

number have been imprisoned or forced into exile. Increasingly, human rights defenders and the NGOs for which they work or volunteer their time have been subjected to administrative harassment, smear campaigns and public denouncements in pro-government media.

- 1.7** Journalists, human rights defenders and national and international human rights NGOs have been subjected to highly orchestrated smear campaigns and *ad hominem* attacks, often via social media or pro government print media or ‘blogs’, in an effort to discredit their work. As a result, many journalists and human rights defenders have been forced to resort to self-censorship, and many others have simply left the country. Since 2011, Rwandan human rights defenders have been killed in highly concerning circumstances, and many more report being threatened regularly.
- 1.8** The government took steps in March 2013 to amend its Media Law, and revise the Access to Information Bill, which provides rights to journalists to seek, receive and broadcast information in the media and protects whistle blowers. This is welcomed. Despite these developments, the media environment for journalists in Rwanda remains highly restrictive, and under the *de facto* control of the government.
- 1.9** Since 2011, threats, arbitrary arrests, intimidation, and harassment of journalists, human rights defenders, and other dissenting voices have been matched by increasingly sophisticated online smear and intimidation campaigns. These smear and intimidation campaigns have often taken the form of vicious, deliberately opaque, and highly coordinated *ad hominem* attacks against local and international journalists and human rights groups via Twitter, blogs, and other social media platforms.
- 1.10** *CIVICUS* and *EHAHRDP* are highly concerned about restrictions on freedom of assembly, despite constitutional provisions guaranteeing this right, and the occasional use of state sanctioned violence to counter peaceful protests since 2011. The government actively and willingly tolerates peaceful protests which *favour* government policies and actions, but the extremely rare peaceful assemblies organised to *challenge* government views, and which call for reforms, are not authorised by the state.
- 1.11** Since 2011, the government has entrenched and strengthened its long-term and systematic campaign to completely stifle freedom of association, by replacing the leadership of human rights and civil society organisations with those sympathetic to the government. As a result, there are now very few freely functioning and entirely independent human rights organisations left within Rwanda, that can meaningfully challenge government policies and advocate for reforms, without genuine and well-founded fear of reprisals.

 - In section B of this document, *CIVICUS* and *EHAHRDP* highlight concerns related to restrictions on freedom of expression, and attacks on journalists, newspapers, and others exercising this fundamental right;

- In section C of this document, *CIVICUS* and *EHAHRDP* express concerns over intimidation, threats and attacks on civil society activists and human rights defenders;
- In section D of this document, *CIVICUS* and *EHAHRDP* highlight concerns over restrictions on freedom of association, and unwarranted and unlawful government interference in the affairs of civil society organisations and NGOs;
- In Section E of this document, *CIVICUS* and *EHAHRDP* express our collective concerns over restrictions on freedom of assembly;
- In Section F of this document, *CIVICUS* and *EHAHRDP* make a number of recommendations to the government of Rwanda.

2. (B) Concerns regarding restrictions on freedom of expression and attacks on journalists

- 2.1** Rwanda’s domestic legal framework for the protection of the right to freedom of expression is commendable. Article 34 of the Constitution of the Republic of Rwanda guarantees freedom of the press. It states, *inter alia*, that “*freedom of the press and freedom of information are recognised and guaranteed by the state*”. In March 2013, the government approved amendments to the 2009 Media Law and revised the Access to Information Bill. The amendments- which are welcomed- provide guarantees for journalists to seek, receive and broadcast information and ideas through the media, and the revision to the Access to Information Law guarantees protection for whistle-blowers.
- 2.2** At the regional and international level, the Republic of Rwanda is bound by a number of key human rights obligations. Article 9 of the African Charter on Human and Peoples Rights (ACHPR) provides for citizens to express and disseminate opinions and views within the law. Article 21 of the International Covenant on Civil and Political Rights (ICCPR) guarantees the right to freedom of expression and opinion.
- 2.3** The central concern of both *CIVICUS* and *EHAHRDP* is the vast and growing disconnect between law and practice in Rwanda. In spite of an acceptable legal framework, freedom of expression and of the media is severely restricted. Journalists are routinely targeted and subjected to judicial and non-judicial persecution.
- 2.4** On 27 February 2015, journalist Cassien Ntamuhanga of *Amazing Grace Radio* was sentenced to 25 years in prison on nonsensical charges of conspiracy to murder, conspiracy against the government and for creating a criminal gang. He was reported missing on 7 April 2014 after he attended a ceremony commemorating the 20th anniversary of the Rwandan genocide, before the Rwandan police later confirmed they had him in custody.¹ He had been interrogated repeatedly before his arrest

¹ “Musician, Journalist arrested in Rwanda; accused of working with opposition groups,” *The Star.com*, accessed 18 March 2015, http://www.thestar.com/news/world/2014/04/14/musician_journalist_arrested_in_rwanda_accused_of_working

about a journalist who had fled Rwanda to avoid persecution. The prosecutor had initially proposed a life sentence, and following the verdict Cassien plans to appeal the sentence.

- 2.5** On 24 October 2014, the Rwandan Utilities Regulatory Authority (RURA) suspended the British Broadcasting Corporation's (BBC) Kinyarwanda Service following the broadcast of a documentary, "*Rwanda's Untold Story*," on BBC2 on 1 October 2014.² The FM Frequency for the radio service was pulled off-air, and the website blocked. The RURA noted that the reason for the suspension was that Rwandans had protested against the broadcast of the documentary and complained that it incited hatred.³ RURA stated further that it was concerned about violations of journalistic responsibility by the BBC which had been going on for several years. Prior to the suspension, Rwanda's Parliament had called on the government to charge the makers of the documentary with genocidal denial and cancel BBC's operating license in Rwanda.
- 2.6** On 18 June 2014, Agnes Uwimana Nkusi and Saidati Mukakibibi of the independent Kinyarwanda newspaper *Umurabyo* were released from prison after serving 4 years, on wholly spurious charges of defamation of the President, genocide denial, divisionism and harming state security motivated by their independent reporting. They were initially arrested on 10 July 2010 after publishing articles in the *Umurabyo* newspaper which were critical of the government and leadership of Rwanda. On 4 February 2011, they were sentenced to 17 years imprisonment but the Supreme Court cleared them of the charges of genocide denial and divisionism on 5 April 2012 and their sentence was reduced to four years.
- 2.7** On 18 July 2012, journalist Idriss Gasana Byiringiro who works for private independent newspaper *Chronicles*, was arrested and detained at the Kicukiro Police Station for "providing false information."⁴ He had been interrogated in June 2012 by four people who introduced themselves as security agents and his phone and laptop were seized. They forced him to give them access to his emails and questioned him about some of his sources. He had previously received threatening messages.
- 2.8** On 18 May 2012, Habarugira Epaphrodite, a journalist with *Radio Huguka* based in Gitarama was arrested and detained without charges after he mistakenly mixed-up the terms "victims" and "survivors" during a public broadcast marking the 20th anniversary of the Rwandan genocide. He was accused of abetting confusion between perpetrators and survivors of the genocide. He apologised for the error but was remanded in custody on the orders of a Magistrate pending further investigations into the matter.

[with opposition groups.html](#).

² "Rwanda suspends BBC Kinyarwanda Service," *The East African*, accessed 18 March 2015, <http://www.theeastafrican.co.ke/news/Rwanda-suspends-BBC-Kinyarwanda-service/-/2558/2499120/-/15txcpa/-/index.html>.

³ "Rwanda Media Agency says BBC ban violates law," *The East Africa*, accessed 16 March 2015, <http://www.theeastafrican.co.ke/news/Rwanda-media-agency-says-BBC-ban-violates-law/-/2558/2507644/-/4m5v1yz/-/index.html>.

⁴ "Rwanda: Journalist detained for allegedly giving Police false information," *Great Lakes Voice*, accessed 16 March 2014, <http://greatlakesvoice.com/rwanda-journalist-detained-allegedly-for-giving-police-false-information>.

2.9 On 30 November 2011, Charles Ingabire, editor of *Inyenyerinnews* was assassinated in Kampala.⁵ Charles had fled to Uganda in 2007 to escape political persecution and harassment and had been threatened on several occasions and warned to stop his critical articles before he was murdered. *Inyenyerinnews* was known for its critical stance on President Paul Kagame, his government and the military. He was physically assaulted in Kampala by unidentified assailants about two months before his death and his computer was stolen.

3. (C) Concerns over intimidation, threats and attacks on civil society activists and human rights defenders

3.1 Article 12 of the UN Declaration on Human Rights Defenders mandates states to take necessary measures to ensure protection of human rights defenders. The International Covenant on Civil and Political Rights guarantees the freedoms of expression, association and assembly. It is a matter of deep concern that the Rwandan authorities continue to target and attack human rights defenders engaged in legitimate activity and have forced most to flee the country or resort to self-censorship.

3.2 On 17 July 2013, Gustave Makonene, Coordinator of the Advocacy and Legal Advisory Centre in Rubavu, of Transparency International Rwanda was assassinated. His body was discovered on 18 July. Medical reports later confirmed he had been strangled. Gustave was investigating cases of corruption involving members of the police.

3.3 On 19 August 2011, human rights defenders Epimack Kwokwo and Joseph Sanane, the President and Executive Secretary respectively of the *Ligue de Droits de la Personne dans la Region des Grand Lacs* (LDGL) were arrested at the Burundian border with Rwanda as they travelled to participate in a management committee meeting of LDGL to prepare for their annual assembly.⁶ They were both transferred to Kigali and interrogated about the finances and internal administration of LDGL and accused of assisting the former Executive Secretary of LDGL, Pascal Nyilibakwe, to flee the country. Epimack was released the same day while Joseph was released the day after.

3.4 In his annual report on reprisals, the UN Secretary General expressed his concern at the administrative and bureaucratic harassment being suffered by the Rwandan branch of LDGL. The Secretary General noted with concern that LDGL continued to “face administrative difficulties in Rwanda which stem from harassment in 2010 and 2011, including delayed renewal of the organization’s NGO registration, which expired in April 2011”. (*UN General Assembly, Human Rights Council 21st Session, 13th August 2012, A/HRC/21/18*)

3.5 In 2012, LDGL was ultimately forced into a nonsensical position where it was forced to begin applying for its 2012-13 registration whilst having not resolved its

⁵ “Rwandan Opposition party ISANGANO requests Investigations on kidnappings, attempted murders and assassinations,” *The Rwandan*, accessed 18 March 2014, <http://www.therwandan.com/blog/rwandan-opposition-party-isangano-requests-investigations-on-kidnappings-attempted-murders-and-assassinations/>.

⁶ “Rwanda Police denies detaining rights activists,” *Great Lakes Voice*, accessed 16 March 2015, <http://greatlakesvoice.com/rwanda-police-denies-detaining-rights-activist/>.

registration for the previous year. In turn, without registration, LDGL faced difficulties in organising its General Assembly to elect a new Executive Committee. As the Secretary General also commented, “the fact that the committee is not in place is reportedly being used as a reason for delaying the renewal of the organization’s registration” (*UN General Assembly, Human Rights Council 21st Session, 13th August 2012, A/HRC/21/18*). EHAHRDP publicly noted its disappointment that the Rwandan government failed to engage with the United Nations Human Rights Council's first panel discussion on the issue of reprisals, held on September 13th 2012, at which the Rwandan government would have had the opportunity to debate and respond to the serious allegations contained in the Secretary General's report or at other appropriate occasions during Human Rights Council sessions.

4. (D) Concerns over restrictions on freedom of association and unwarranted government interference in the affairs of civil society organisations

4.1 Article 35 of the Constitution of Rwanda provides guarantees for freedom of association. Article 22 of the ICCPR to which Rwanda is a party guarantees the freedom of peaceful association. In contrast to this, the government has overtly or covertly infiltrated almost all civil society organisations and human rights groups operating in Rwanda, especially those who have a history of criticising government actions and calling the state to account.

4.2 CLADHO, the *Collectif des Ligues et Association de Defense de Droit de L'homme au Rwanda* has been infiltrated and taken over by the government, thereby seriously compromising its objectivity and independence. The independence of CLADHO has repeatedly been called into question over the course of several years. Indeed, CLADHO was instrumental in leading the smear campaign against the joint NGO report for Rwanda’s 2011 UPR (*and as referred to in the UN Secretary General's 21st July 2011 Report concerning Reprisals, to the 18th Session of the Human Rights Council- A/HRC/18/19*). CLADHO, formed in 1993, has been described as far back as 2005 as a ‘briefcase NGO’ that “does little more than pay its staff and host occasional conferences” (*Front Line Rwanda - Disappearances, Arrests, Threats, Intimidation and Co-optation of Human Rights Defenders 2001 – 2004, Frontline, 2005, pp.35*).

4.3 On 21 July 2013 the leadership of LIPRODHOR, Rwanda’s last remaining independent human rights organisation was effectively forced out and replaced by an executive committee favoured by the government and supported by the Rwanda Governance Board (RGB) –the state body with oversight on NGOs despite the fact that the ousted leadership protested against this move. The decision to arbitrarily replace the executive committee was in violation of the internal governance regulations of LIPRODHOR, as the meeting during which the decision was taken was held without the knowledge of the president, conflict resolution committee or the executive. LIPRODHOR’s laws also require that general meetings are announced 8 days in advance in writing and that a majority of its members are present if decisions such as replacing the executive committee are to be taken. Before the take-over, it was targeted on several occasions by the government because of its human rights activities. On 3 July 2012, LIPRODHOR and two other human rights organisations – the *Association pour La Defense des droits des Personnes et Libertes Publiques* (ADL),

and Maison de Droit (MDD) publicly pulled out from the national network of human rights organisations CLADHO because of government interference in its internal affairs. The former President of LIPRODHOR was threatened and harassed several times and was forced to flee the country.

5. (E) Concerns over restrictions on freedom of assembly

- 5.1 Freedom of Assembly is guaranteed under the Rwandan Constitution. Article 36 states that “freedom of assembly is guaranteed, if it is not inconsistent with the law.”⁷ It goes further to state that prior authorisation is necessary “*only when the law requires and when assembly is in a space, public place or public road to the extent that such is necessary in the interest of public safety*”. Despite these constitutional provisions, peaceful protests are in reality only allowed if they support government policy or actions. For example, those allowed include demonstrations organised by the NGO *Ibuka* in memory of the victims of the genocide.⁸
- 5.2 On 22 November 2013, Sylvain Sibomana, Interim Secretary General of *FDU-Inkingiwas* and Dominique Shyirambere were found guilty of participating in illegal protests and defamation against security services. They had been arrested on 25 March in front of the Supreme Court during appeal hearings of *FDU-Inkingiwas* President Victoire Ingabire Umuhiza. Sylvain was sentenced to two years in prison and fined 1 million Rwandan Francs and Dominique was handed a five month jail term and fined 1 million Rwandan Francs.
- 5.3 On 13 September 2013, two students were arrested and detained during protests by students from different academic institutions against the levying of fees on students from different economic backgrounds. The two were arrested while they attempted to present a petition to the Prime Minister expressing their concerns about the fee levies.⁹ They were physically assaulted while in detention, denied water and food for two days and only released after a week following an order by a judge who dismissed all charges against them. Again on 23 July 2013 11 members of the *Intwarane* breakaway Catholic Group were arrested for demonstrating illegally as they attempted to hand over a petition to President Kagame to implement reforms.

6. (F) Recommendations to the Government of Rwanda

CIVICUS and *EHAHRDP* are profoundly concerned by the failure on the part of the government of the Republic of Rwanda to meaningfully implement the recommendations it accepted in 2011, relating to civic space and human rights defenders.

⁷ “The Constitution of the Republic of Rwanda, Adopted 26 May 2003,” accessed 18 March 2015, http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legaldocument/wcms_127576.pdf.

⁸ See Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and Association, Maina Kiai,” accessed 16 March 2015, http://freeassembly.net/wp-content/uploads/2014/06/A-HRC-26-29-Add2_en-final.pdf.

⁹ “Imminent arrest of Rwandan Student by the Police,” *The Rwandan*, accessed, 17 March 2015, <http://www.therwandan.com/blog/imminent-arrest-of-rwandan-student-activists-by-the-police/>.

Both organisations urge the government of the Republic of Rwanda to urgently change course, and to create a genuinely enabling environment for journalists, human rights defenders, and wider civil society, to enable them to operate in accordance with the rights enshrined in the Rwandan Constitution, the African Charter on Human and Peoples' Rights, the International Covenant on Civil and Political Rights, and the UN Declaration on Human Rights Defenders.

At a minimum, urgent steps should be taken by the government of the Republic of Rwanda to prevent further backsliding on basic and fundamental civil and political rights. Specifically, steps should be taken to ensure the realisation of the right to freedom of association, freedom of expression, the right to operate free from unwarranted state interference and surveillance, the right to communicate and cooperate with UN and other regional human rights bodies, the right to seek and secure funding, and the state's duty to protect. In light of this, the following specific recommendations are made:

6.1 Concerns regarding restrictions on freedom of expression and attacks on journalists

- Threats to journalists and representatives of the media both in Rwanda and abroad should be fully investigated with a view to bringing the perpetrators to justice.
- Rwandan government representatives, including national or foreign consultants or business partners, should desist from its deeply flawed strategy of conducting smear, misinformation, and threat campaigns, against journalists, human rights groups, and others seeking to express legitimate opinion.
- Attacks on and threats to journalists and government critics should be publicly condemned by senior government officials to ensure protection by law enforcement agencies.
- Ensure that the rights of journalists and representatives of the media are protected during periods of elections and emergencies in accordance with the Rwandan constitution.

6.2 Concerns over intimidation, threats and attacks on civil society activists and human rights defenders

- Thoroughly investigate all threats to civil society representatives and human rights defenders including threats to the former president of LIPRODHOR and ensure that perpetrators are brought to justice to deter others from doing the same.
- Rwandan government representatives, including its national or foreign consultants or business partners, should refrain from intimidating human rights defenders, national, regional and international human rights organisations, Special Procedures of the United Nations, and publicly condemn those who do so.
- All human rights defenders and civil society activists arrested and detained on the basis of their legitimate human rights activities should be released unconditionally and all charges against them dropped.

- Desist from promoting online smear campaigns against human rights defenders and civil society activists who participate in the review of Rwanda’s human rights record at both the United Nations Human Rights Council and the African Commission on Human and People’s Rights.

6.3 Concerns over restrictions on freedom of association and unwarranted government interference in the affairs of civil society organisations

- Desist from interfering in the activities and internal governance processes of human rights and civil society organisations, particularly with regard to the appointment of the leadership of these organisations.
- Ensure that the mandate of the Rwanda Governance Board, which is mainly regulatory, is clear and adhered to.

6.4 Concerns over restrictions on freedom of assembly

- Ensure a conducive environment for the exercise of the rights to freedom of assembly by all Rwandans.
- Approve, facilitate and protect peaceful demonstrations including those expressing views which are contrary to the government’s policies and actions.
- Best practices on freedom of peaceful assembly should be adopted by the Rwandan Government.
- Security forces in charge of crowd control should be equipped with non-lethal weapons and provided training across the board on humane means of crowd control as well as on the UN Basic Principles on the use of Force and Firearms.
- Recourse for judicial review and effective remedy should be provided including compensation in cases of unlawful denial of the right to freedom of assembly by state authorities.