

## Rwanda's Universal Periodic Review Report

### An Introduction

The Republic of Rwanda is experiencing a notable growth in economic and social rights, whereas civil and political rights are falling dramatically. 235 recommendations were submitted by 83 states to the state party in its second Universal Periodic Review (UPR) session that took place in 2015, only 50 of which were approved. Other 80 recommendations were rejected by the Rwandan government for alleged incompatibility with the local law and its current constitutional obligations. Whereas, the remaining recommendations were partially approved, or considered implemented by the government.<sup>1</sup> The Rwandan government claims that it has implemented 80% of the recommendations, but in reality it has implemented 80% of the recommendations it approved. The implementation of the remaining recommendations require further steps to be taken by the Rwandan government.

**Maat for Peace, Development and Human Rights** submits this report to refer to some of the developments in the human rights in Rwanda.

### Developments in the File of Human Right: Insufficient Steps

#### a. Awareness of Human Rights and Cooperation with International Mechanisms

<sup>1</sup> Human Rights Council, Thirty-first session, Report of the Working Group on the Universal Periodic Review, Rwanda Addendum, 10 March 2016, A/HRC/31/8/Add.1, available at: <http://bit.ly/32TnP2L>



The Ministry of Justice, in cooperation with One UN Rwanda,<sup>2</sup> held a high-level meeting to discuss the implementation of the UPR, the lessons learned from the process, and the strategies required for implementing the remaining recommendations. The meeting also included inputs from development partners on how to prepare the country for the next UPR review,<sup>3</sup> which is a true proof of the state's good intentions in dealing with international mechanisms for promoting the human rights.

## **B. Releasing Detainees... A Good Move**

For no given reason but in exercise of his power, The Rwandan President pardoned more than 2,140 prisoners<sup>4</sup> including the opposition figure, Victoire Ingabir, of the FDU-Inkingi party, who was sentenced to 15 years' imprisonment for threatening state security and 'underestimating' Rwanda's 1994 genocide. Likewise, singer Kizito Mihejo, who was sentenced for 10 years' imprisonment in 2015 on charges of planning to kill President Kagame, was also released.<sup>5</sup>

## **C. Women's Rights in Rwanda: Notable Developments**

Rwanda's 2020 road map drawn by President Paul Kagame's has made remarkable progress with regard to women's rights.

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<sup>2</sup> The United Nations system in Rwanda consists of 22 UN agencies, programs, and funds, both resident and non-resident. Since 2008, they have been cooperating and delivering as one partner. For more details on One UN kindly check: <http://bit.do/fAGWB>

<sup>3</sup> "One UN and the Government of Rwanda hold a high-level consultative meeting with development partners on the Universal Periodic Review", UNDP Rwanda, May 27, 2019, available at: <http://bit.ly/2TGs25C>

<sup>4</sup> كانت ناقدة بارزة للرئيس بول كاجامي وتقول إن محاكمتها كانت ذات دوافع سياسية

<sup>5</sup> Victoire Ingabire: Rwanda frees 2,000 people including opposition figure", BBC, 15 September 2018, available at: <https://bbc.in/3arXs6v>



Rwanda has the highest number of women parliamentarians worldwide, where, women have won 61.3 per cent of seats, almost three times the global average. The parliament has passed laws on gender-based violence, inheritance, discrimination and rape. Moreover, the almost universal health care system covers about 90% of the country, and Rwanda is moving rapidly to become the first country in the world to wipe out cervical cancer. As almost all Rwandan teenage girls are vaccinated against it.<sup>6</sup>

## Harsh Crackdown on the Right to Form Associations and Political Parties

Sylidio Dusabumuremyi, the national coordinator of the FDU-Inkingi party, was stabbed to death at his workplace, a canteen at a health center in southern Rwanda, by two unidentified attackers who arrived by motorbike. The attack was aimed at preventing Victoire Ingabire opposition party from winning official recognition. The murder was the latest in a series of attacks that have targeted other nine opposition figures who faced terrorism-related charges. Dusabumuremyi was at least the second of Ingabire's aides to be killed in 2019.

On 15 July 2019, Eugène Ndereyimana, another member of FDU-Inkingi, was reported missing, and in March 2019, the body of Ingabire's spokesman was found on the edge of the Gishwati

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<sup>6</sup> John Campbell, "Alongside Real Progress, Kagame's Human Rights Abuses Persist", Council on Foreign Relations, July 31, 2019, available at: <https://on.cfr.org/2TwLdjy>

forest after he disappeared while travelling to visit his parents.<sup>7</sup>

Caroline Busman, Injabir's Dutch lawyer, was asked to leave Rwanda by immigration officials. Caroline arrived in Rwanda using a tourist visa because Rwanda's immigration authorities refused granting her a regular visa.<sup>8</sup> Moreover, a European Parliament delegation was prevented from visiting "Engabir" in detention in late September 2016.<sup>9</sup>

### Stifling Political Opposition:

In March 2016, a military high court sentenced Colonel Tom Byabagamba and retired Brigadier General Frank Rusagara to 21 and 20 years in prison, respectively, on charges including inciting insurrection and tarnishing the government's image, after they criticized the government for its involvement in the assassinations of opposition figures and complained about foreign and economic policies. The sentence was subsequently reduced to 15 years after the appeal.<sup>10</sup>

On May 28, 2016, human rights defender, Mr. Epimack Kwokwo, was summoned to Rwanda Directorate General of immigration and Emigration in Kigali, where he was declared an unwanted person in Rwanda. He was offered a letter announcing

<sup>7</sup> Jason Burke, "Rwanda opposition leader says ally's killing was act of intimidation", The Guardian, 25 Sep 2019, available at: <http://bit.ly/3axB8YW>

<sup>8</sup> "Rwandan Immigration Desperate To Justify Expulsion Of The Lawyer Of Political Prisoner Victoire Ingabire Umuhoza", FDU Rwanda, MAY 25, 2016, available at: <http://bit.ly/3cDI0pA>

<sup>9</sup> "European Parliament resolution of 6 October 2016 on Rwanda, the case of Victoire Ingabire (2016/2910(RSP)), The European Parliament, available at: <http://bit.ly/38pLNUK>

<sup>10</sup> KELLY RWAMAPERA, "Byabagamba and Rusagara sentences reduced to 15 years", The East African, December 28. 2019, available at: <http://bit.ly/2Is67Kb>



this decision, signed by the Director General of Immigration, and immediately transferred to the border between Rwanda and the Democratic Republic of the Congo. After many formalities, officials returned his passport, which they had held since October 2015.<sup>11</sup>

In 2017 elections, Rwandan prosecutors charged the president's challenger, Diane Rwigara, with inciting insurrection and forgery when she tried to challenge the Rwandan president in the elections he won in August 2017 with more than 98% of the vote, securing a third term in office and extending his 17 years in power.

Electoral authorities barred Rwigara from running for the candidacy, arguing that had not submitted enough supporters' signatures and that some of the names she did submit belonged to dead people. The activist has repeatedly accused Kagame of stifling dissent and criticized his Rwandan Patriotic Front's near total hold on power.

Rwigara's mother, Adeline, and her sister, have also been charged with incitement and "discrimination and sectarianism". The three women were first taken from their home in Kigali, the Rwandan capital, on 30 August on tax evasion allegations related to the family's tobacco company.<sup>12</sup>

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<sup>11</sup> Epimack Kwokwo is the acting Executive Secretary of La Ligue pour la défense des droits de l'homme dans la région des grands lacs (League for the defense of human rights in the Great Lakes region – LDGL), which is an umbrella organization within the Great Lakes region that unites 25 member human rights organizations in Rwanda, Burundi and the DR Congo. For more details, on this link: <http://bit.ly/38uSOmW>

<sup>12</sup> Jason Burke, "Rwandan president's challenger charged with inciting insurrection", The Guardian, 4 Oct 2017, available at: <http://bit.ly/2QaCTnx>



Rwigara's activism began when she publicly accused the government of involvement in death of her father in a road accident in 2015, contacting foreign embassies in Kigali and international human rights organizations, as well as petitioning the president. Many question the allegation, but there has been no official investigation. Accordingly, she has repeatedly raised the allegations of extrajudicial killings. When Rwigara announced her intention to run against Kagame, nude photos of her were subsequently published on social media, in a clear effort to undermine her credibility.<sup>13</sup>

Along with Rwigara, several leaders and members of the opposition party have also been detained in recent weeks. Eight opposition activists have been charged with forming an irregular armed group and offences against the president, and dissidents have described receiving beatings and death threats from security officials.

In October 2018, Boniface Twagirimana, Vice President of the United Democratic Front, disappeared from a heavily -guarded prison, after he had been held on suspicion of trying to overthrow the government and had not been seen since, and there is a suspicion that he was killed.<sup>14</sup>

On November 27, 2019, the Rwandan government accused Jackie Umuhoza, daughter of exiled pastor Deo Nyirigira, of

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<sup>13</sup> Tom Gardner, "'Rwanda is like a pretty girl with a lot of makeup, but the inside is dark and dirty'", The Guardian, 4 Aug 2017, available at: <http://bit.ly/2PT6DFh>

<sup>14</sup> Kara Fox, "Rwandan opposition party leader feared dead amid reports he escaped from prison", CNN, October 8, 2018, available at: <https://cnn.it/2TtCgHB>



treason and espionage following her arrest and detention for weeks without due process. She was charged with treason and espionage, which penalties of up to 25 years' imprisonment. The family says that the sisters have been repeatedly called in for being questioned about their father's activities since 2017 and have been ordered to condemn their father. Earlier in March 2019, the sisters were detained for a week and their identity cards and Ugandan and Rwandan passports were confiscated. Umuhoza two sisters were also arrested by the security forces on November 27, 2019, but were released the following day.<sup>15</sup>

In July 2019, Constantin Tuyishimire, TV1 Rwanda journalist, was reported missing while he was supposed to be on a reporting trip to the Gicumbi area. The authorities, however, believe that he might have fled to Uganda because of his outstanding debts to different people, which was denied later on by sources close to him.<sup>16</sup>

## The Right to Counter Torture: Numerous References

Although on September 17, 2018, the law designating the National Commission for Human Rights (NCHR) as National Preventive Mechanism (NPM), was entered into force, mandating the Commission to pay regular visits, with or without prior notice, to all places where people may be deprived of their freedom, as well as to make recommendations to the relevant authorities with

<sup>15</sup> Samuel Smith, "Rwanda arrests pastor's daughter for treason, espionage; activists demand her release", CP WORLD, JANUARY 03, 2020, available at: <http://bit.ly/2UaxmOD>

<sup>16</sup> Edmund Kagire, "Updated: "Missing" TV1 Journalist Hiding In Uganda", KT Press, July 23, 2019, available at: <http://bit.ly/2IMJ1hv>



the aim of improving conditions of detention and preventing torture and other diseases.<sup>17</sup> However, this was not exploited well. Over the past years, many human rights defenders, political activists and journalists have been subjected to repression and torture in Rwanda. It was even claimed that Rwanda's military has routinely unlawfully detained and tortured detainees with beatings, asphyxiations, mock executions, and electric shocks.

In this regard, Maat would like to refer to the case of Kizito Mihigo, who was tortured and then assassinated by the Rwandan security forces on February 16, 2020. Mihigo was killed after intense questioning and extreme torture by a group of policemen coordinated and commanded by Brig Gen Dan Munyuza.<sup>18</sup>

Due to the tension marred the political relations with the neighboring country (Uganda), the Rwandans in Uganda were not spared from torture.<sup>19</sup> A Rwandan national, Silas Hategekimana, has died few weeks after being severely tortured by the Ugandan army. Hategekimana has reportedly spent weeks suffering physically and psychologically in the intelligence chief's torture rooms, due to alleged false accusations of espionage and illegal

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<sup>17</sup> "Rwanda: National Commission for Human Rights officially designated as national mechanism to prevent torture", apt, September 20, 2018, available at: <http://bit.ly/2xAu3Zv>

<sup>18</sup> Kizito Mihigo was a famous gospel singer who actively promoted peace and reconciliation through his art. His songs and talks carried strong messages of Christian values, particularly the importance of forgiveness and reconciliation in order to re-build a cohesive, peaceful, harmonious and sustainable society in Rwanda. For more Details, Please follow: "ASSASSINATION OF KIZITO MIHIGO", Feb 17, 2020, The Global Campaign for Human Rights, available at: <http://bit.ly/2xaUdBV>

<sup>19</sup> في مارس 2019، أصدرت "كيغالي" بلاغًا بعدم السفر إلى أوغندا، مشيرة إلى المضايقات المستمرة والاعتقالات غير القانونية والتعذيب والترحيل غير القانوني للمواطنين الروانديين في أوغندا؛ دعم كمبالا النشاط للجماعات المنشقة والإرهابية المصممة على زعزعة استقرار رواندا والتخريب الاقتصادي.





entry. Many Rwandan nationals had been released without trial; however, hundreds remain in detention centers without access to consular or legal services<sup>20</sup> including the Rwandan national, Emmanuel Magezi, who was reported in the Ugandan media as "found dead" outside Potapika Hospital, an ancient mental health facility in Kampala. Every time a Rwandan citizen is kidnapped or lost, The Rwandan government was only to send oral notes through the Rwandan High Commission requesting further explanations concerning the case.<sup>21</sup>

### **Cooperation with International and Regional Human Rights Mechanisms: More Needed**

In July 2018, the United Nations Subcommittee on Prevention of Torture has suspended a mission to Rwanda after suspending it in October 2017<sup>22</sup>. It is the first time that the Subcommittee has suspended a mission before its completion, and the third time to suspend a visit. The commission accused Rwanda of lack of cooperation, and the delegation has reportedly suspended the visit due to a series of obstructions imposed by authorities, such as accessing some places of detention, confidentiality of certain interviews and over concerns that some interviewees could face reprisals.<sup>23</sup> The dispute resulted from the fact that the government officials wanted the delegation to visit

<sup>20</sup> Rwandan dies after weeks of torture by Ugandan military", IGL, 5/9/2019, available at: <http://bit.ly/39SxF7n>

<sup>21</sup> Grace Kamugisha, "Rwandan national dies following torture in Uganda", The News Times, February 09, 2020, available at: <http://bit.ly/2TQ59Oc>

<sup>22</sup> "UN torture prevention experts announce resuming visit to Rwanda", OHCHR, 28 February 2018, available at: <http://bit.ly/2Toj3XO>

<sup>23</sup> Ivan R. Mugisha, "UN anti-torture team cancels Rwanda visit, again", The East African, JULY 16 2018, available at: <http://bit.ly/39C8ZAh>

predetermined places and to meet people chosen by government agents, which was rejected by the delegation.

On a regional level, in March 2017, the Rwandan government withdrew its declaration under Article 34 (6) of the protocol to the African Court of Human and Peoples' Rights that allowed individuals to directly file complaints against it with the African Court on Human and Peoples' Rights. The government asserts that the withdrawal is intended to prevent exploitation of the individual complaint procedure by criminals, particularly individuals who took part in the 1994 genocide and have subsequently fled the country. The African Court is set to decide a claim against Rwanda by a leading opposition politician, Victoire Ingabire, who is serving a 15-year prison sentence after a trial based in part on politically motivated charges, as previously mentioned.<sup>24</sup>

## Rights of Refugees: Fair Investigations Are Required

On February 22, 2018, a number of Congolese refugees in western Rwanda<sup>25</sup> were killed in clashes with the Rwandan police as a result of demonstrating against cutting 25% of the food provided by the United Nations refugee agency. The officers attacked a group of about 3,000 protesters with tear gas, killing at least 8 people. In January, the UNHCR said it had to cut food

<sup>24</sup> Rwanda's withdrawal of its special declaration to the African court : setback for the protection of human rights', FIDH, available at: <http://bit.ly/2VTISAw>

<sup>25</sup> وفر معظم الباقين. 2015 شخص من بوروندي المجاورة فروا من العنف في عام 57,000 ألف لاجئ، بما في ذلك 174 تستضيف رواندا حوالي 17,000 كونغو الديمقراطية خلال نوبات من عدم الاستقرار هناك على مدار العشرين عامًا الماضية. يضم مخيم كيزيبا



rations due to lack of funding.<sup>26</sup> To date, the authorities have not revealed the number of dead and have not identified those responsible for using excessive force nor hold them accountable. Although the National Commission for Human Rights in Rwanda opened an investigation on February 23, its report did not condemn the Rwandan authorities, and justified their use of live bullets.

## Recommendations:

### **Maat for Peace, Development and Human Rights recommends the following:**

- Rwanda must ratify the International Convention on the Protection of All Persons from Enforced Disappearance, respond to pending visits requests by the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the human rights to safe drinking water and sanitation, the Independent Expert on the enjoyment of all human rights by older persons, and the working groups on arbitrary detention.
- The Rwandan security services must stop harassing and assassinating all those criticizing the Rwandan government policies.
- The public domain must be publically accessible without any conditions, and the formation of political parties and opposition organizations must be allowed.

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<sup>26</sup> Clement Uwiringiyimana, "Congolese refugees killed in rations protest: Rwandan police", Reuters, February 22, 2018, available at: <https://reut.rs/2U6nS7g>



- Investigations into all murders and torture cases mentioned in this report must be reopened.
- Illegal and inhuman demolition of houses of poor people should cease immediately, and alternative homes and means must be provided at once for all distressed victims.
- A fair and just investigation into the killing of Congolese refugees by police bullets must be conducted.
- The UN human rights mechanisms must be allowed to move freely during their visits to the country and the hosting country must cooperate with them.