

Human Rights Watch statement
Item 6 – Adoption of the outcome of the UPR of Rwanda
7 June 2011

Human Rights Watch welcomes the outcome of the UPR of Rwanda, in particular its recommendations on freedom of expression, legal reforms and the independence of the judiciary.

We also welcome the Rwandan government's undertakings to ensure that human rights activists are spared harassment and intimidation; to strengthen the independence of the judiciary; to invite the Special Rapporteur on the independence of judges and lawyers to visit; and to replace international NGOs' annual registration with a five year renewable registration.

However, Human Rights Watch remains seriously concerned that freedom of expression is not respected in practice, as evidenced by these recent cases:

- In February 2011, Agnès Uwimana and Saidati Mukakibibi, journalists with the newspaper Umurabyo, were found guilty of endangering public order and sentenced to 17 years and 7 years respectively, in connection with articles viewed as critical of the government. Uwimana was also found guilty of minimizing the genocide, "divisionism" and defamation.
- Bernard Ntaganda, leader of the opposition party PS-Imberakuri, was sentenced to four years' imprisonment in February 2011 for endangering national security and "divisionism", in connection with his statements criticizing government policies.
- Several other members of the PS-Imberakuri and the FDU-Inkingi opposition parties, including FDU-Inkingi leader Victoire Ingabire, remain in detention.
- To our knowledge, there has been no progress in the investigation into the murder of Democratic Green Party Vice-President André Kagwa Rwisereka in July 2010.

To meet Rwanda's pledge, as stated in the UPR report, "to continue to build a democratic society", the government should allow journalists and political parties to carry out their legitimate activities without fear for their safety.

We welcome the Rwandan government's statement that it is reviewing the 2008 "genocide ideology" law and the 2009 media law and encourage it to amend these laws as soon as possible. In particular, the offence of "genocide ideology" should be more precisely defined to prevent misuse of this law for political purposes. Nor should other offences – such as endangering state security or disturbing public order – be misused to target critics. Human Rights Watch regrets that this has occurred several times in recent months.

Human Rights Watch welcomes the accomplishments of the *gacaca* courts in trying cases relating to the 1994 genocide but has outstanding concerns relating to the absence of fair trial safeguards. Rwanda should establish a specialised mechanism within the conventional justice system, staffed by professional judges, to review serious allegations of miscarriages of justice in the *gacaca* courts.

Human Rights Watch regrets that the National Human Rights Commission (NHRC), praised in the UPR Working Group report, has sometimes undermined the work of independent human rights organisations, including by trying to stifle discussion of a collective civil society report in advance of Rwanda's UPR. At least two NHRC officials put pressure on several Rwandan civil society organisations to publicly denounce the report and withdraw their support for it. A NHRC official later co-signed a letter to the High Commissioner for Human Rights challenging the report's accuracy. The government should ensure that the NHRC refrains from interfering with the work of independent human rights organisations.

In the supplementary information provided in May 2011, the Rwandan government states that "a few cases of irregular arrests and detentions [...] are corrected and responsible officials are punished". However, in 2010, several individuals, including senior military officer Lieutenant-Colonel Rugigana Ngabo, were held incommunicado for several months before being brought before a court. The government should ensure that all detainees enjoy access to lawyers, receive visits, and that their families are informed of their whereabouts.