

UNSAFE TO SPEAK OUT

RESTRICTIONS ON FREEDOM OF
EXPRESSION IN RWANDA

AMNESTY
INTERNATIONAL



Freedom of expression in Rwanda has been unduly restricted for many years. The months leading up to the August 2010 presidential elections, which President Paul Kagame won with 93 per cent of the vote, were marked by a clampdown on freedom of expression. The Rwandan government has expressed a commitment to review laws which criminalize criticism, but recent trials of journalists and opposition politicians suggest that Rwanda’s clampdown on critics shows no sign of abating.

The Rwandan Patriotic Front (RPF), in power since the 1994 genocide, tightly controls political space, civil society and the media, contending that this is necessary to prevent renewed violence. Human rights

defenders, journalists and political opponents cannot openly and publicly criticize the authorities. People who do speak out risk prosecution and imprisonment.

Restrictions on freedom of association and expression prevented new opposition parties from contesting the August 2010 elections. During this period, journalists were subjected to criminal sanctions for defamation. The Rwandan government did not respond constructively to criticism but rather tried to stamp it out.

CRIMINALIZING CRITICISM

Vague and sweeping laws on “divisionism” and “genocide ideology” were introduced in Rwanda in the decade after the 1994 genocide. Up to 800,000 Rwandans were killed in the genocide, mostly ethnic Tutsi, but also Hutu who opposed the organized killing. The laws prohibit hate speech, but are broadly drafted so that they criminalize expression that does not amount to hate speech, including legitimate criticism of the government. The laws contravene Rwanda’s regional and international human rights obligations and commitments to

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freedom of expression, and the vague wording is deliberately exploited to violate human rights.

In its August 2010 report, *Safer to stay silent: The chilling effect of Rwanda's laws on "genocide ideology" and "sectarianism"* (Index: AFR 47/005/2010), Amnesty International described how the vague wording of these laws is misused to criminalize criticism of the government and legitimate dissent by opposition politicians, human rights activists and journalists.

Amnesty International found that many Rwandans, even those with specialist knowledge of Rwandan law including lawyers and human rights workers, were unable to precisely define "genocide ideology". Even judges, the professionals charged with applying the law, noted that the law was broad and abstract.

At a local level, individuals appear to use "genocide ideology" accusations to settle

personal disputes. These laws allow for the criminal punishment even of children under 12, as well as parents, guardians or teachers convicted of "inoculating" a child with "genocide ideology". Sentences for convicted adults range from 10 to 25 years' imprisonment.

GOVERNMENT COMMITMENTS TO LEGISLATIVE REFORM

The Rwandan government expressed a commitment in April 2010 to review the "genocide ideology" law. During Rwanda's Universal Periodic Review at the UN Human Rights Council in January 2011, the Rwandan government reiterated this commitment and indicated that the 2009 media law, which unduly restricts freedom of expression, was also up for review.

Despite their recognition of the shortcomings of the "genocide ideology" law, the government continues to use it to prosecute individuals for legitimate

criticism. It remains unclear whether the "divisionism" law, similarly used to silence critics, will also be revised. Since the elections, individuals have also been convicted of threatening state security, another charge carrying a heavy prison sentence, for criticizing the government.

Above: President Paul Kagame holds a press conference in Kigali on the day of the election, 9 August 2010. Press freedom was severely curtailed in the run-up to the election, and media outlets critical of the government were closed down.

Left: Police presence at an election rally in Gicumbi, August 2010.

Cover: Voters queue on election day, 9 August 2010, in Kimihurura sector, Kigali. © Graham Holliday/Kigali Wire



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MEDIA CLAMPDOWN BEFORE THE ELECTIONS

The government clamped down on critics before the August 2010 presidential elections. They used regulatory sanctions, restrictive laws and criminal defamation cases to close down media outlets critical of the government.

The Rwandan Media High Council, a regulatory body close to the ruling party, suspended two private Kinyarwanda language newspapers, *Umuseso* and *Umuwugizi*, from April to October 2010. It then called for their indefinite closure claiming that some of their articles threatened national security.

Jean-Bosco Gasasira, editor of *Umuwugizi*, and Didas Gasana, editor of *Umuseso*, fled Rwanda in April and May 2010 respectively after receiving threats.

Above: Bernard Ntaganda (right) at his trial in January 2011.

OPPOSITION POLITICIAN IMPRISONED

Rwandan opposition leader and founding president of the opposition Ideal Social Party (PS-Imberakuri), Bernard Ntaganda, was jailed on 11 February 2011 on politically motivated charges. He was sentenced to four years' imprisonment after being convicted of breaching state security, of "divisionism" for public speeches criticizing government policies ahead of the elections, and of attempting to plan an "unauthorized" demonstration. Bernard Ntaganda appealed against his conviction.

Bernard Ntaganda's conviction is part of a wider and concerning trend to prosecute individuals with threatening national security for legitimate criticism of the government. His prosecution for threatening state security and "divisionism" was based solely on his speeches criticizing government policies. The prosecution had requested a 10-year prison sentence for these two charges and contended that

"paint[ing] a negative image of state authority" could cause the population to rebel and create unrest.

Bernard Ntaganda was arrested at dawn on 24 June 2010 – the first day that presidential candidates could register for the elections – and just hours before a demonstration planned by his party in the capital, Kigali. Although Bernard Ntaganda had requested authorization to hold the demonstration, according to the prosecution the authorities had attempted to notify him that it was banned only on the day before it was due to take place. The defence said the demonstrators were unaware of the ban.

The Ideal Social Party (PS-Imberakuri) was the only new party which successfully secured registration. It was later infiltrated by dissident members who decided not to field a candidate in the elections.

Bernard Ntaganda was called before the Senate in late 2009 to respond to "genocide



ideology” accusations. In April 2010, the Senate’s political commission said they felt such accusations were well founded.

The government should immediately and unconditionally release Bernard Ntaganda, imprisoned for expressing his opinion without advocating violence.

JOURNALISTS IMPRISONED

Agnes Nkusi Uwimana, editor of the private Kinyarwanda newspaper *Umurabyo*, and her deputy editor, Saidati Mukakibibi, were sentenced on 5 February 2011 to 17 and seven years in prison respectively for opinion pieces published before the elections. Both women appealed against their conviction.

Agnes Nkusi Uwimana was found guilty of threatening state security, “genocide ideology”, “divisionism” and defamation, and Saidati Mukakibibi was found guilty of threatening state security. The two women

were prosecuted over several articles in which they criticized government policies and made corruption allegations against senior government officials, including President Kagame. The articles also made references to the prevailing feeling of insecurity before the elections and contended that there were growing divisions within the security forces.

Before prosecution, Agnes Nkusi Uwimana was called before the Rwandan Media High Council to respond to allegations that her articles were defamatory.

The government should immediately and unconditionally release Agnes Nkusi Uwimana and Saidati Mukakibibi, imprisoned for exercising their right to freedom of expression without advocating violence.

Above: Newspaper sellers in Kigali.

JOURNALIST MURDERED

Rwandan journalist and deputy editor of the Kinyarwanda newspaper *Umuwugizi*, Jean-Leonard Rugambage, was shot dead outside his home in Kigali at 10pm on 24 June 2010. He was the first Rwandan journalist to be murdered in recent years.

Jean-Leonard Rugambage had been investigating the shooting in the same month of the exiled former head of the Rwandan army, Kayumba Nyamwasa, in South Africa. Earlier on 24 June, *Umuwugizi* had published an online article alleging that Rwandan intelligence officials were linked to the shooting. In the days before his murder, Jean-Leonard Rugambage told colleagues that he felt surveillance over him had intensified.

There is no evidence that Rwandan police have explored those leads into the killing of Jean-Leonard Rugambage that pointed towards it being politically motivated. Within days of the murder, two suspects were

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arrested. In October, they were convicted of the murder and sentenced to life imprisonment. They claimed that Jean-Léonard Rugambage had killed one of their family members during the 1994 genocide. A case had been brought against Jean-Léonard Rugambage on these same allegations in 2005 before a *gacaca* court (community tribunals to expedite trials of the vast majority of people suspected of participation in the genocide) after he published an article critical of *gacaca*. However, it was dropped for lack of evidence.

Amnesty International believes that the government should re-open the investigation by establishing an independent commission of enquiry into the killing of Jean-Léonard Rugambage with a view to investigating all possible leads.

Above: The deputy editor of *Umuwugizi* was murdered in June 2010. Both *Umuseso* and *Umuwugizi* were suspended by the Rwandan Media High Council between April and October 2010 after publishing articles critical of the government.

Right: André Kagwa Rwisereka, speaking at a Democratic Green Party conference.

OPPOSITION POLITICIAN MURDERED

On 14 July 2010, André Kagwa Rwisereka, vice-president of the opposition Democratic Green Party, was found dead in Butare, southern Rwanda. He had been beheaded.

André Kagwa Rwisereka, who left the RPF to create the Democratic Green Party, had told colleagues in the weeks before his murder that he was concerned for his security. Other Democratic Green Party members said they had also received threats.

No one has been brought to justice for André Kagwa Rwisereka's murder. The police opened investigations, but the prosecution claim to have insufficient evidence to press charges. Amnesty International calls on the government to establish an independent commission of inquiry into André Kagwa Rwisereka's death.





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A woman casts her vote at a polling station in Kigali, 9 August 2010.

TAKE ACTION NOW

Write to the Rwandan authorities, calling on them to:

- n Allow opposition politicians, journalists, human rights defenders and others to express their views, including legitimate criticism of government policies, without fear for their safety.
- n Accelerate the review of the “genocide ideology” law and the 2009 media law to bring them in line with Rwanda’s obligations under international human rights law.

n Review laws on “sectarianism” and “insulting the president” to bring them in line with Rwanda’s obligations under international human rights law.

PLEASE SEND APPEALS TO:

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Mr Tharcisse Karugarama

Minister of Justice
Ministry of Justice
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**AMNESTY
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Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations.

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