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Public Statement

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Rwanda: Freedom of expression under attack

Amnesty International is concerned at the ongoing persecution of, and violent attacks against, journalists and members of the civil society in Rwanda. Especially targeted are journalists working for the non-state media, who are frequently threatened and physically assaulted. Also concerning is the increasing use of criminal laws and sanctions to stifle free expression of opinion. Amnesty International urges the Rwandan authorities to protect and uphold the rights of journalists and members of civil society.

On the evening of Friday 9 February, Jean Bosco Gasasira, the editor of *Umuwigizi* newspaper, was brutally assaulted by three unidentified men armed with iron bars. The attack took place in the capital Kigali. Jean Bosco Gasasira was immediately rushed to hospital where he currently remains in intensive care. Several days prior to this attack, Jean Bosco Gasasira had published several articles in *Umuwigizi* newspaper that were critical of the Rwandan Patriotic Front (RPF), the ruling political party. One article looked at nepotism within the RPF.

This recent attack is part of a systematic campaign of harassment and intimidation against Jean Bosco Gasasira. In August 2006, Jean Bosco Gasasira told international press organisations that he was receiving threatening phone calls and feared that he was being monitored by agents of the Directorate of Military Intelligence.

Also targeted are newspapers critical of the government, which are often accused of inciting ethnic hatred. On the same day that Jean Bosco was attacked, the government-controlled radio station, Radio Rwanda, reportedly broadcast remarks made by the Director of Radio Rwanda and the President of the High Press Council threatening the independent newspaper *Umuco*. Accusing the newspaper of fomenting ethnic hatred, they compared it to the defunct newspaper *Kangura*, which published articles advocating hate speech and inciting the killing of Tutsi people before and during the 1994 genocide.

Bonaventure Bizumuremyi, the editor of *Umuco*, states that since the radio broadcast on 9 February, he has been receiving telephone calls threatening him. Questioned by Amnesty International on 14 February, the executive secretary of the High Press Council denied that such accusations and references to *Kangura* had been made. However, he stated that in his view the article in *Umuco* had been inciting ethnic hatred.

Amnesty International has examined the article in question and has found nothing in it that can reasonably be construed as advocating ethnic hatred or inciting violence. This article, written in Kinyarwanda, addresses the origins of ethnicity in the Great Lakes region prior to the colonial period. It does so by analysing and challenging the statements of ethnologists and linguists on this controversial issue. In view of the current pattern of attacks on journalists in Rwanda, the organisation is concerned that such accusations put the lives of journalists at risk. In addition, these attacks create a climate of fear, impinging on the right to freedom of expression.

Idesbald Byabuze Katabaruka, a Congolese national and university professor was arbitrarily arrested and detained on 16 February. Mr Byabuze Katabaruka was visiting Rwanda in a professional capacity. The Rwandan authorities have charged Mr Byabuze Katabaruka with "threatening state security" and for having committed "offences of discrimination and sectarianism". The charges apparently relate to an article Mr. Byabuze Katabaruka published in June 2005. The article, entitled "*Alerte Rwanda*" ("Rwanda Warning") criticised the high level of political repression in Rwanda. The article also stated that the Rwandan authorities were exploiting the 1994 genocide to repress the Rwandan population and to justify military activities in the Democratic Republic of Congo, which had resulted in gross human rights abuses. Mr Byabuze Katabaruka has written other articles and letters critical of the Rwandan authorities in the past. Amnesty International believes that the charges brought against Idesbald Byabuze Katabaruka constitute an unwarranted restriction on his freedom of expression.

Amnesty International acknowledges the adverse role played by the media in inciting ethnic hatred and genocide in Rwanda in 1994, and also that international human rights law permits certain restrictions on freedom of expression, including the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence. However, international human rights law also requires that in no case may such restrictions be applied or invoked in a manner that would impair the essence of the right in question. The Rwandan government is in violation of its international obligations to promote and uphold the right to freedom of speech as enshrined in the African Charter and the International Covenant on Civil and Political Rights.

Amnesty International calls on the Rwandan authorities to:

- o respect and protect the right to freedom of expression in accordance with its obligations under international human rights treaties;
- o conduct independent and impartial investigations into all attacks or acts of intimidation against journalists, and to bring those responsible to justice in trials which comply with international standards;
- o invite the Special Representative of the Secretary-General on Human Rights Defenders, the Special Rapporteur on Freedom of Expression and the African Commission Special Rapporteur on Freedom of Expression to visit Rwanda;

Amnesty International also urges the European Union and its Member States to raise with the government of Rwanda concern about attacks on journalists, media organisations and other human rights defenders; and call for their rights to be upheld in line with the European Union's commitment to protect human rights defenders, as expressed in the EU Guidelines on Human Rights Defenders adopted by the EU Council in June 2004.

Background

Jean-Bosco Gasasira is the brother of Chris Bunyenyenzi, who is deceased. Chris Bunyenyenzi was a leading member of RPF in the late 1980s, and was killed in 1990 under unclear circumstances.

The African Charter states: "Human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person" Rwanda is a state party to this treaty and has accordingly undertaken an explicit obligation to take reasonable steps to protect individuals against human rights abuses by non-state actors and, if they occur, to ensure that perpetrators are brought to justice and victims are able to obtain redress, including reparation. This principle has been explicitly stated in the Declaration of Principles on Freedom of Expression in Africa, adopted by the African Commission on Human and Peoples' Rights in 2002, which, in relation to attacks on journalists, such as murder, intimidation and threats, provides that "states are under an obligation to take effective measures to prevent such attacks and, when they do occur, to investigate them, to punish perpetrators and to ensure that victims have access to effective remedies".

The right to freedom of expression and the right to seek, receive and impart information of any kind are laid down in international treaties such as the African Charter on Human and Peoples' Rights and International Covenant on Civil and Political Rights. According to the United Nations Working Group on Arbitrary Detention, arrests and detention are considered arbitrary when the facts giving rise to them concern the exercise of freedom of opinion and expression.