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Rwanda: Vague laws used to criminalise criticism of government

Rwanda's new government must urgently review vague 'genocide ideology' and 'sectarianism' laws that are being used to suppress political dissent and stifle freedom of speech, Amnesty International said in a report released today.

Safer to Stay Silent: The Chilling Effect of Rwanda's Laws on 'Genocide Ideology' and 'Sectarianism' details 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.

"The ambiguity of the 'genocide ideology' and 'sectarianism' law means Rwandans live in fear of being punished for saying the wrong thing," said Erwin van der Borght, Africa Program director at Amnesty International. "Most take the safe option of staying silent."

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.

In the lead-up to the August 9 presidential elections two opposition candidates were arrested and charged, among other things, with 'genocide ideology'. A newspaper editor was also arrested on the same charge.

The BBC and VOA have both been accused of disseminating 'genocide ideology' by the government. These accusations led to the suspension of the BBC Kinyarwanda service for two months from April 2009.

At a local level individuals appear to use 'genocide ideology' accusations to settle personal disputes. These laws allow for the criminal punishment even of young 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.

The 'genocide ideology' and 'sectarianism' laws were introduced to restrict speech that could promote hatred in the decade following the 1994 genocide. Up to 800,000 Rwandans were killed in the genocide, mostly ethnic Tutsi, but also Hutu who opposed the organized killing. Prohibiting hate speech is a legitimate aim, but the approach used by the Rwandan Government has violated international law.

The Rwandan government announced a review of the 'genocide ideology' law in April 2010. The government should also launch a review of the 'sectarianism' law and demonstrate a new approach to freedom of expression in order to stem the chilling effect of past legislation.

The Rwandan government must significantly amend the laws, publicly express a commitment to freedom of

expression, review past convictions and train police and prosecutors on how to investigate accusations.

“We hope that the government review will result in a meaningful revision of the ‘genocide ideology’ and ‘sectarianism’ laws so that freedom of expression is protected both on paper and in practice,” said Erwin van der Borgh.

Notes to Editors

- Rwanda’s ‘genocide ideology’ law was promulgated in 2008.
- Rwanda’s ‘sectarianism’ law was promulgated in 2001.
- According to government figures, there were 1034 trials related to ‘genocide ideology’ in 2007-2008. These were prosecuted under charges ranging from assassination and poisoning to threats and damage to cattle.
- According to government figures, 435 ‘genocide ideology’ cases were tried at first instance in 2009