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Introduction

This thematic official report describes the situation with regard to the human rights situation and rule of law in Rwanda, particularly insofar as it is relevant to the treatment and possible return of persons who were or may have been involved in the 1994 genocide in Rwanda. This official report is an update of the August 2016 Rwanda thematic official report.¹ The reporting period covers the period from September 2016 to April 2023.

Relevant developments have been included up to the date of publication. This official report is a factual, neutral and objective account of the findings during the period under review. It is not a policy document and does not reflect the views of the Dutch government or policy towards any country or region. It does not contain any conclusions regarding immigration policy.

This official report has been prepared based on the questions and concerns in the *Terms of Reference* (ToR) of the Ministry of Justice and Security. The ToR for this official notice was adopted on 15 December 2022. This ToR has been published together with the official notice on the central government website. This official notice has been prepared using public and confidential sources using carefully selected, analysed and verified information. Information from professional literature, media coverage, relevant government agencies and non-governmental organisations (NGOs), among others, was used in the preparation. Passages in this official report rely on multiple sources, unless otherwise stated or in the case of generally undisputed facts. The public sources consulted are listed in the annexes to this official report.

Some of the information used was gathered through interviews with sources inside and outside Rwanda. The information gathered on this basis was mainly used to support and supplement passages based on public information. Information from interviews is marked in the footnotes as 'confidential source' with the year.

Chapter one discusses the historical context for this official report. Chapter two discusses the human rights situation, and chapter three describes developments in the judicial process. Chapter four discusses detention conditions.

¹ Ministry of Foreign Affairs, *Thematic official report on human rights and justice in Rwanda*, 18 August 2016, [Microsoft Word - TAB Rwanda 2016 final version \(overheid.nl\)](#).

1 Historical context

What follows is a description of the historical context in which this thematic official report should be read.

1.1 Emergence of power relations²

For centuries, Tutsi kings extended their monarchy inside and outside the borders of present-day Rwanda. However, they did not have much influence in the present-day north, where traditional Hutu leaders managed to maintain a degree of autonomy. During the colonial ^{period}³, Rwanda was initially part of German East Africa, but after Germany's defeat in World War I, the country (along with Burundi) was given control by the League of Nations to Belgium. The Belgian colonial administration initially favoured the Tutsi in local governance. From 1950, democratic reforms took place, allowing the

Hutu majority took over power. This led to a first wave of massacres against mostly Tutsi in 1959, even before independence. Shortly after independence in the 1960s and later in the 1970s, further massacres of Tutsi took place. Many Tutsi fled to neighbouring countries.

Those who were left behind increasingly faced government policies that put them at a social and political disadvantage because of their ethnicity.⁴

1.2 Genocide of 1994

From 1990, Tutsi refugees who had been part of Musevenis rebel army in Uganda under the name *Rwandan Patriotic Front* (RPF) invaded Rwanda. Circles around then-president Habyarimana organised a hate campaign against the Tutsi and against Hutu political opponents. On 6 April 1994, the plane carrying President Habyarimana was shot down and a 100-day genocide began in which more than 800,000 people, mostly Tutsi still in Rwanda, were killed by the Rwandan army (*Forces armées rwandaises*, FAR) and Hutu militias (*Interahamwe*). Moderate Hutu who opposed the genocide were also killed.⁵

² Traditionally, the population of Rwanda has been said to consist of 85% Hutu, 14% Tutsi and 1% Twa. In the aftermath of the genocide, the authorities decided to ban references to these identities in the public domain.

³ Rwanda gained independence in 1962.

⁴ Colette Braeckman, 'Des décennies de responsabilité belge', in *Le Monde Diplomatique*, May 2021, pp. 14-15 ; Jean-Pierre Chrétien and Marcel Kabanda, 'Chapitre 3. Le Rwanda colonial. La racialisation du rapport Hutu-Tutsi au XX^e siècle' in *Rwanda. Racisme et génocide*, 2016, pp. 81-122; S/1994/1405 Letter dated 9 December 1994 from the secretary general addressed to the president of the security council, 9 December 1994; Confidential source, April 2023.

⁵ UN Outreach Programme on the 1994 Genocide Against the Tutsi in Rwanda and the United Nations, [Outreach Programme on the 1994 Genocide Against the Tutsi in Rwanda and the United Nations](#), accessed 15 April 2023; A/49/508 *Situation des droits de l'homme au Rwanda, note du Secrétaire général*, 13 October 1994; S/1994/1405 *Letter dated 9 December 1994 from the secretary general addressed to the president of the security council*, 9 December 1994; BBC, Rwanda: 100 days of slaughter, 4 April 2019.

1.3 International community

The UN peacekeeping force present (*UN-Assistance Mission to Rwanda*, UNAMIR) did not intervene and was largely withdrawn. The French government launched *Opération Turquoise* in June 1994 and created a temporary 'safe zone' in south-west Rwanda to accommodate displaced people. Through this zone, many Hutu fled to Zaire, now known as the Democratic Republic of Congo (DRC). Among them were many perpetrators of the genocide who managed to escape justice in this way.⁶

1.4 RPF action after genocide

On 19 July 1994, the RPF took power in the Rwandan capital Kigali. This seizure of power ended the genocide. There is little undisputed information about this period. According to the findings of a team of consultants commissioned by UNHCR to investigate the return of Rwandan refugees, soldiers of the new Rwandan Army (*Rwanda Patriotic Army*, RPA), which had emerged from the RPF, had engaged in systematic and persistent killings of unarmed civilians in certain areas in southern and southeastern Rwanda.⁷ Human Rights Watch reported on mass killings during public gatherings, disappearances and arbitrary and extrajudicial executions. According to several sources, the RPF admitted that revenge killings had taken place, but denied systematic action.⁸

In the years following the genocide, former FAR members and the Interahamwe regrouped in refugee camps in Zaire and Tanzania and carried out attacks on Rwandan territory.⁹ According to a report by *Médecins Sans Frontières* (MSF), despite calls to do so by humanitarian organisations, no action had been taken to separate civilians from the genocide perpetrators.¹⁰ In an interview with the *Washington Post* in 1997, Kagame, then vice president and defence minister, indicated that Rwanda had supported the Zairean rebels led by Laurent Kabila who had overthrown Mobutu's government that year.¹¹ According to the Rwandan authorities, this was in response to a statement by a Zairean government representative that all Tutsi would be expelled from Zaire.¹² According to MSF's extensive study based on internal and public sources, this advance saw residents (both unarmed civilians and ex-FAR and Interahamwe) of refugee camps in eastern Zaire dispersed, and many killed.¹³ In another interview, Kagame accused the UN and NGOs

⁶ Alison Des Forges (Human Rights Watch), *Leave none to tell the story*, March 1999, pp. 432–435 ; Mission d'Information de la Commission de la Défense nationale et des forces armées et de la commission des affaires étrangères sur les opérations militaires menées par la France, d'autres pays et l'ONU au Rwanda entre 1990 et 1994, *Rapport d'information*, 15 December 1998, pp. 339–350.

⁷ UNHCR, *Written report of the oral presentation by Mr Gersony to the Panel of Experts*, 11 October 1994, [gersony_report.pdf \(wordpress.com\)](#); Alison Des Forges (Human Rights Watch), *Leave none to tell the story*, March 1999, pp. 481–491.

⁸ Alison Des Forges (Human Rights Watch), *Leave none to tell the story*, March 1999, p. 496; Confidential source, April 2023.

⁹ Rwanda Ministry of Foreign Affairs, *Official Government of Rwanda comments on the draft UN mapping report on the DRC*, 30 September 2010, p. 5.

¹⁰ Médecins sans Frontières, *The hunting and killing of Rwandan refugees in Zaire-Congo (1996–1997)*, 1 April 2014, p. 13.

¹¹ The *Washington Post*, *Rwandans led revolt in Congo*, 9 July 1997.

¹² Rwanda Ministry of Foreign Affairs, *Official Government of Rwanda comments on the draft UN mapping report on the DRC*, 30 September 2010, p. 10.

¹³ Médecins sans Frontières, *The hunting and killing of Rwandan refugees in Zaire-Congo (1996–1997)*, 1 April 2014, p. 13.

of having allowed refugees to arm themselves, which he said made them partly responsible for the deaths. He admitted that innocent people could have been victims of revenge killings, but denied that this had been intentional on the part of Rwanda and the Zairean rebels. If there had been deaths, he said, this was the responsibility of individuals, not organisations.¹⁴

1.5 Execution of genocide perpetrators

1.5.1 ICTR

In February 1995, the UN Security Council decided to establish the *International Criminal Tribunal for Rwanda* (ICTR), to be based in Arusha, Tanzania. The tribunal was to prosecute those most responsible for the genocide and crimes against humanity in Rwanda between 1 January and 31 December 1994. The ICTR convicted 61 individuals for their involvement in the genocide and acquitted 14 suspects.¹⁵ At the same time, there was criticism of the ICTR's functioning, in particular that the pace of trials was slow, cooperation with the Rwandan judiciary laborious and that the tribunal's work was distant from the Rwandan people. The ICTR ended its operations on 31 December 2015.¹⁶ From 2016, the *International Residual Mechanism for Criminal Tribunals* (IRMCT), established in 2010, took over the remaining work from the ICTR, including managing the archives and tracking fugitive suspects.¹⁷

1.5.2 Trial in Rwanda

In Rwanda, a law (*loi organique*) was passed on 30 August 1996 relating to prosecutions for genocide and crimes against humanity. The law covered crimes committed between 1 January 1990 and 31 December 1994. The law distinguished four categories of crimes:

- Category 1: planning and inciting genocide and mass killings;
- Category 2: carrying out genocide, i.e. killing;
- Category 3: injuring without killing;
- Category 4: looting and destruction.¹⁸

In all categories except category 1 in which the death penalty could be imposed, the sentences to be imposed were lighter than for similar crimes under the Penal Code then in force.¹⁹

¹⁴ Mail and Guardian, *Why Rwanda admitted to its role in Zaire*, 8 August 1997.

¹⁵ IRMCT, Legacy website of the ICTR, [Key Figures of Cases | United Nations International Criminal Tribunal for Rwanda \(irmct.org\)](#), accessed 15 April 2023.

¹⁶ Ministry of Foreign Affairs, *General official report Rwanda*, October 2002, p. 16; Human Rights Watch, Rwanda, International Tribunal closing its doors, 23 December 2015; BBC News, *Rwanda genocide: International Criminal Tribunal closes*, 14 December 2015.

¹⁷ Ministry of Foreign Affairs, *Thematic official report Rwanda*, August 2016, pp. 34-35.

¹⁸ N°16/2004 du 19/6/2004 *Loi Organique portant organisation, compétence et fonctionnement des Juridictions Gacaca chargées des poursuites et du jugement des infractions constitutives du crime de génocide et d'autres crimes contre l'humanité commis entre le 1er octobre 1990 et le 31 décembre 1994*.

¹⁹ Ministry of Foreign Affairs, *General official report Rwanda*, October 2002, p. 17.

1.5.3 Regular courts and gacaca

After the genocide, the judicial system in Rwanda had been totally destroyed. For instance, only 17 judges had survived the 1994 massacres. The number of suspects was large; for example, Rwanda's prison population reached some 130,000 people.²⁰ The weakened judicial system could not cope with trying the large numbers of suspects, and so the government established the gacaca²¹ based on traditional justice.²²

The gacaca law provided for each court in

- A general assembly consisting of all persons over eighteen years of age of the cellule;
- A seat of the gacaca jurisdiction, consisting of nine 'persons of integrity' (lay judges) elected by the general assembly - a quorum of seven persons of integrity was required to hear a case; and
- A coordinating committee, consisting of persons elected by the general assembly who could read and write Kinyarwanda well and who had the role of rapporteur of the court cases.

Those with integrity, or lay judges, were given a two-week training by gacaca instructors (magistrates and law students) who themselves had had a one-month training.²³ The gacaca law provided neither a prosecutor nor legal aid.²⁴

When the gacaca was created, the number of categories of crimes (see above) was reduced to three:

- Category 1: Those responsible for planning, carrying out and inciting genocide at the national level and rape;
- Category 2: those who killed or caused physical harm;
- Category 3: those who plundered and destroyed.²⁵

The regular courts dealt only with category 1 cases; the other categories of suspects were tried by the gacaca, which dealt with groups of suspects at the same time.²⁶ In order to further reduce the pressure on the regular courts, a legislative amendment in 2007 transferred torture and degrading treatment of the dead (until then part of category 1) to category 2. While this relieved pressure on regular courts, it also had the effect of mandating gacaca to impose life sentences. This, according to *Penal Reform International*, raised serious concerns about the extent to which defendants received a fair trial,

²⁰ Carina Tertsakian, "Some prisons are prisons, and others are like hell." Prison life in Rwanda in the ten years after the genocide' in *Prison Service Journal*, no. 212, March 2014, p. 4

²¹ Gacaca literally means 'grass', and refers to Rwanda's traditional justice system, where a community dealt with conflicts collectively on a grass field.

²² Ministry of Foreign Affairs, *General official report Rwanda*, October 2002, p. 18; Aegis, *Project proposal. Completion of Gacaca archive project*, March 2022.

²³ Le Monde, *Les "gacaca", ces tribunaux populaires par lesquels le "miracle" rwandais est arrivé*, 15 April 2019; The New Humanitarian, *La formation des juges des tribunaux gacaca commence*, 10 April 2002.

²⁴ N°16/2004 du 19/6/2004 Loi Organique portant organisation, compétence et fonctionnement des Juridictions Gacaca chargées des poursuites et du jugement des infractions constitutives du crime de génocide et d'autres crimes contre l'humanité commis entre le 1er octobre 1990 et le 31 décembre 1994, section II ; The New Humanitarian, *La formation des juges des tribunaux gacaca commence*, 10 April 2002.

²⁵ N°16/2004 du 19/6/2004 Loi Organique portant organisation, compétence et fonctionnement des Juridictions Gacaca chargées des poursuites et du jugement des infractions constitutives du crime de génocide et d'autres crimes contre l'humanité commis entre le 1er octobre 1990 et le 31 décembre 1994.

²⁶ Ministry of Foreign Affairs, *General official report Rwanda*, October 2002, p. 18; Aegis, *Project proposal. Completion of Gacaca archive project*, March 2022.

since the defendants had no access to legal aid and were tried by lay judges who had neither the skills nor the experience to handle such cases.²⁷

False accusations of genocide occurred. This could involve trauma and personal interests; for example, a Hutu from an area where there had been much killing could be considered guilty by definition by survivors; or someone who had unlawfully taken possession of another's property could give false testimony out of self-interest.²⁸

The gacaca justice system did not provide all internationally accepted guarantees of a fair trial.²⁹ Yet human rights organisations did not categorically speak out against gacaca, as it was recognised that the backlog of trials of genocide suspects called for unconventional solutions. Many, both inside and outside Rwanda, considered gacaca the only credible alternative to try genocide suspects within a somewhat reasonable timeframe.³⁰

The gacaca were disbanded in 2012 after h a n d l i n g almost two million cases.³¹ According to various sources, 65% of tried defendants were found guilty.³²

²⁷ Penal Reform International, *Huit ans après... le point sur le monitoring de la Gacaca au Rwanda*, 2010, p. 26.

²⁸ Le Monde, *Les "gacaca", ces tribunaux populaires par lesquels le "miracle" rwandais est arrivé*, 15 April 2019 ; Confidential source, February 2023; Confidential source, February 2023; Confidential source, February 2023.

²⁹ The elements of a fair trial include: an official indictment, the independence of [judges](#), trial within a reasonable time, [legal aid](#), opportunity and time to prepare a defence, opportunity to hear witnesses, no compulsion to confess, trial according to laws valid at the time of the alleged crime, no second conviction for the same offence (ne bis in idem), and the possibility of appeal and [pardon](#). Source: Amnesty International encyclopaedia, [Fair trial - justice - lawyers - Amnesty International](#), accessed 6 April 2023.

³⁰ Ministry of Foreign Affairs, *General official report Rwanda*, October 2002, p. 18.

³¹ Ministry of Foreign Affairs, *General official report Rwanda*, October 2002, p. 18; Aegis, *Project proposal. Completion of Gacaca archive project*, March 2022.

³² Le Monde, *Les "gacaca", ces tribunaux populaires par lesquels le "miracle" rwandais est arrivé*, 15 April 2019; Radio France, *Rwanda, la fin officielle des "gacaca"*, 19 June 2012; France Info, *Rwanda : les condamnations dans le monde liées au génocide*, 18 May 2020.

2 Human rights

2.1 Developments in the human rights situation

As in the previous reporting period³³, the Rwandan Patriotic Front (RPF), the main ruling party,³⁴ dominated the country with authority and firm control over civil society. President Paul Kagame and his appointed confidants stuck to their vision of a tightly managed state that emphasised national security and socio-economic development. The circle of confidants was held together by unconditional loyalty and discipline; defectors were not tolerated, power sharing tightly directed, and there was hardly any room for freedom of expression or a vibrant and independent civil society.³⁵

According to the 2022 *Ibrahim Index of Governance*³⁶ (IIG) of 54 African countries, Rwanda was among the 10 countries that had made the most progress on Security and Rule of Law indicators since 2012.³⁷ On the subcategories of indicators for Security and Rule of Law, Rwanda scored as follows: *Security and Safety* 82 out of 100 points (rank 23); *Rule of Law and Justice* 59.2 out of 100 points (place 14); *Accountability and Transparency* 44.4 out of 100 points (place 19); and *Anti-corruption* 79.3 out of 100 points (place 1). In the Rule of Law and Justice category, Rwanda scored lowest on *Executive compliance with the Rule of Law* (36.6 out of 100 points, place 39) and *Impartiality of the Judicial system* (39.9 out of 100 points, place 34); and best on *Law Enforcement* (85.2, place 1).³⁸

At the same time, Rwanda was among the 20 countries that had experienced the most decline in Participation, Rights and Inclusion.³⁹ On the subcategory indicators for Participation, Rights and Inclusion, Rwanda scored as follows: *Participation* 28 out of 100 points (place 35); *Rights* 29.3 out of 100 points (place 42); *Inclusion and equality* 36.5 out of 100 points (place 40); and *Women's equality* 85.2 out of 100 points (place 1).⁴⁰

In the run-up to the 2017 elections, scores on the Personal Freedoms and Digital Rights indicators were among the most severely deteriorated for Rwanda. In the years following the elections, these indicators deteriorated further. Between 2017 and 2018, Freedom of Expression and Belief was the fastest deteriorating indicator in Rwanda.⁴¹

³³ The previous reporting period ran from December 2011 to July 2016.

³⁴ The RPF is known in French and English as the *Front patriotique rwandais* (FPR) and the *Rwandan Patriotic Front* (RPF).

³⁵ Bertelsmann Stiftung, *BTI 2022 Country report Rwanda*, 2022, pp. 3, 8; Freedom House, *Out of sight, not out of reach, The global scale and scope of transnational repression. Case study Rwanda*, February 2022, pp 22-26; Omar Shahabudin McDoom, 'Securocratic state-building: the rationales, rebuttals, and risks behind the extraordinary rise of Rwanda after the genocide' in *African Affairs*, Volume 121, Issue 485, October 2022, pp 535-567.

³⁶ The Ibrahim Index on Governance consists of four categories of indicators: Security and Rule of Law; Participation, rights and Inclusion; Foundations for economic opportunity; and Human development. For this thematic official report, only the first two categories were considered, as they deal with rule of law and human rights. Rwanda ranks 12 out of 54 countries in the overall index.

³⁷ Mo Ibrahim Foundation, *2022 Ibrahim Index of African Governance*, January 2023, p. 31.

³⁸ Mo Ibrahim Foundation, *2022 IIAG Scores, Ranks & Trends - Rwanda*, January 2023.

³⁹ Mo Ibrahim Foundation, *2022 Ibrahim Index of African Governance*, January 2023, p. 47.

⁴⁰ Mo Ibrahim Foundation, *2022 IIAG Scores, Ranks & Trends - Rwanda*, January 2023.

⁴¹ Mo Ibrahim Foundation, *2022 Ibrahim Index of African Governance*, January 2023, p. 56.

According to the EU's 2022 human rights report, Rwanda continued to show great ambition in the area of socio-economic rights.⁴² According to a confidential source, Rwanda's socio-economic development gave political calm as Rwandans took pride in their country's image.⁴³ On the other hand, Rwanda also continued to be accused of serious human rights violations such as excessive violence, death in detention under suspicious circumstances, extrajudicial killings and disappearances. Observers and human rights defenders continued to report arbitrary detention and inhuman and degrading treatment in detention.⁴⁴

A notable case was the kidnapping of Paul Rusesabagina. Rusesabagina fled Rwanda to Belgium in 1996, obtained Belgian citizenship and later a residence permit in the United States. He had international fame as the inspiration for the film *Hotel Rwanda*, and was critical of the Rwandan authorities. Since 2019, Rusesabagina was the subject of a joint Belgian-Rwandan criminal investigation for his call to fight the Rwandan government by all means and his alleged involvement in the FLN armed resistance movement that carried out attacks in Rwanda in 2018/19.⁴⁵ In August 2020, he travelled from the US to Dubai, from where he believed he would travel to Burundi. In Dubai, he boarded a private jet that, however, took him to Kigali where he was arrested on arrival. Four days later, the *Rwanda Investigations Bureau* (RIB) indicated that it had placed him in pre-trial detention in Kigali.⁴⁶ Later, the Rwandan justice minister admitted that the Rwandan government had rented the plane that took him to Rwanda, thus thwarting the joint criminal investigation.⁴⁷ In 2021, he was sentenced to 25 years in prison.⁴⁸ The European Parliament passed two resolutions condemning Rusesabagina's enforced disappearance in the same year.⁴⁹ Under heavy US pressure, President Kagame conditionally pardoned Rusesabagina in March 2023 and he was released.

He returned to the United States at the end of March 2023. Rusesabagina should have promised not to engage in any more Rwandan politics.⁵⁰ The criminal investigation against Rusesabagina in Belgium had not ended by the end of the reporting period.⁵¹

⁴² EEAS, *EU annual report on human rights and democracy in the world 2021, country updates*, 19 April 2022, p. 137.

⁴³ Confidential source, February 2023.

⁴⁴ EEAS, *EU annual report on human rights and democracy in the world 2021, country updates*, 19 April 2022, p. 137.

⁴⁵ American Bar Association, Rwanda: Background Brief on Proceedings Against Paul Rusesabagina, 30 January 2023, [Rwanda: Background Brief on Proceedings Against Paul Rusesabagina \(americanbar.org\)](#), accessed 14 May 2023; Clooney Foundation for Justice, The case of Paul Rusesabagina, April 2022; Confidential source, February 2023; Confidential source, April 2023.

⁴⁶ Human Rights Watch, *2021 World report. Events of 2020*, 2020; Human Rights Watch, *2022 World report. Events of 2021*, 2021, pp. 565-568; Human Rights Watch, *2023 World report, Rwanda events of 2022*, 2022, pp. 513-514; US Department of State, *2021 country report on human rights practices*, Rwanda, 2022, p. 4; Amnesty International, *2021 Annual report*, 2022, p. 315; RTBF, *L'avocat de Paul Rusesabagina présente "la preuve" de son enlèvement par le Rwanda*, 20 May 2022.

⁴⁷ Reuters, *Rwandan president removes justice minister amid 'Hotel Rwanda' hero trial*, 1 September 2021; Confidential source, April 2023.

⁴⁸ Al Jazeera, *Hotel Rwanda hero Paul Rusesabagina freed from prison*, 24 March 2023.

⁴⁹ P9_TA (2021)0055 *Rwanda, the case of Paul Rusesabagina European Parliament resolution of 11 February 2021 on Rwanda, the case of Paul Rusesabagina* (2021/2543(RSP)); P9_TA (2021)0418 *The case of Paul Rusesabagina in Rwanda European Parliament resolution of 7 October 2021 on the case of Paul Rusesabagina in Rwanda* (2021/2906(RSP)).

⁵⁰ CNN Politics, *'Hotel Rwanda' hero Paul Rusesabagina arrives back in US*, 29 March 2023; TV5Monde, *Rwanda : libération de l'opposant Paul Rusesabagina*, 26 March 2023, [\(169\) Rwanda : libération de l'opposant Paul Rusesabagina - YouTube](#), accessed 29 March 2023.

⁵¹ Confidential source, February 2023; Confidential source, April 2023.

During the COVID-19 period (2020-2021), the authorities instituted three lockdowns, all of which were enforced by the police. While this was a legitimate response by the authorities to an unpredictable pandemic, in cases it led to repression, not least against bloggers and journalists (see also section 2.7.1.2).⁵²

2.2 Freedom of the press and freedom of expression

2.2.1 Legal framework freedom of expression

Article 37 of the constitution criminalises ethnic, regional and racial discrimination or sowing any form of division. Article 38 of the Rwandan constitution provides for the freedom to research, express opinions and share information through the media. Censorship is explicitly prohibited. The law restricts these freedoms when journalists endanger 'public order and morality' or 'the right of persons to honour and good reputation or the right to privacy'.⁵³ The restrictions on these freedoms referred to in this article were enshrined in 2008 in the legislation on genocide ideology (see also section 2.3).⁵⁴

The new Criminal Code of 2018 criminalised humiliation of MPs, cabinet members, security personnel and other officials. The relevant article was repealed in 2019. Slander and defamation relating to foreign and international dignitaries remained punishable.⁵⁵

2.2.2 Journalism in practice

The Rwanda Media Commission (RMC) was supposed to be self-regulating (and thus independent), but US human rights reporting stated that according to journalists, functions within the commission were performed in consultation with the authorities. According to the same report, the RMC sometimes acted in favour of journalists, but generally the commission was seen as pro-government.⁵⁶

Reporting by (investigative) journalism in Rwanda was generally pro-government. According to observers, the authorities used the ambiguity of legislation against genocide ideology (see also section 2.3.4) to suppress critical reporting. This affected some investigative journalists and YouTubers in particular; several of them were arrested and detained during the reporting period (see also sections 2.2.5 and 2.7.1.2).⁵⁷

⁵² VOA, *Le stade ou l'amende pour les Rwandais qui violent le couvre-feu*, 7 August 2022; Confidential source, February 2023 ; Confidential source, April 2023.

⁵³ *Constitution of Rwanda 2003, revised in 2015*,

⁵⁴ Global Voices, *How does Rwanda's genocide ideology law regulate speech online?*, 20 July 2020; US Department of State, *2021 country report on human rights practices*, Rwanda, 2022, pp. 16-19.

⁵⁵ Amendment Criminal Code: N° 69/2019 of 08/11/2019 Law amending Law n° 68/2018 of 30/08/2018 determining offences and penalties in general, Article 9; US Department of State, *2021 country report on human rights practices*, Rwanda, 2022, p. 20.

⁵⁶ US Department of State, *2021 country report on human rights practices*, Rwanda, 2022, pp. 16-17.

⁵⁷ Human Rights Watch, *Rwanda: Wave of free speech prosecutions*, 16 March 2022; CPJ, *Rwandan journalist Théoneste Nsengimana detained since October 13*, 3 November 2021; KT Press, *RMC, RURA caution journalists on violating COVID-19 measures*, 13 April 2020; Le Monde Afrique, *La youtubeuse Yvonne Idamange condamnée à 15 ans de prison au Rwanda pour avoir critiqué le pouvoir*, 1 October 2021; CPJ, *Aimable Karasira Uzaramba*

According to several sources, most journalists were neither able nor willing to criticise government policies because they feared intimidation, threats and prosecution, and because the private sector was reluctant to advertise in critical press.⁵⁸ According to a confidential source, self-censorship was also a result of the public's lack of interest in criticism and issues.⁵⁹

2.2.3 *Written press*

Newspapers were available in French, English and Kinyarwanda. Critical newspapers struggled to sell advertisements and were therefore often financially unviable. Independent newspapers mainly published on the internet.⁶⁰

2.2.4 *Radio*

According to the RMC, Rwanda had 35 radio stations, including six government stations and 29 independent ones. Some radio stations had broadcasts in which the public could dial in. In these, participants sometimes criticised social and human rights policies. These criticisms mainly concerned provincial leaders and local implementation of policies, not the national leadership or the ruling party. Generally, however, radio broadcasts were dominated by views similar to those of the government and were less critical than those of other media outlets.⁶¹

The licence of the BBC's Kinyarwanda channel was revoked in 2014 after a broadcast that authorities said amounted to genocide denial.⁶² This did not change during the reporting period⁶³ but the channel could be received in Rwanda via the internet.⁶⁴ The BBC World Service, broadcasting in English, did have a radio frequency (93.9 FM)⁶⁵, as did the Voice of America channel broadcasting in Kinyarwanda (104.3 FM).⁶⁶

2.2.5 *Social media*

imprisoned, 31 May 2021 ; DW, Rwanda : Yvonne Idamange a été condamnée à 15 ans de prison, 1 October 2021; Human Rights Watch, *2020 World report. Events of 2019*, 2020; Human Rights Watch, *2020 World report. Events of 2019*, 2020; US Department of State, *2021 country report on human rights practices*, Rwanda, 2022, p. 3; JamboNews, *Rwanda: Oû est Innocent Bahati?*, 23 March 2021; The Guardian, *Margaret Atwood joins writers calling for urgent action over missing Rwandan poet*, 7 February 2022; Human Rights Watch, *2023 World Report. Events of 2022*, 2022, pp. 514-515; Index on censorship, *Ntwali's death is a huge loss for Rwanda's challenging media landscape*, 24 January 2023.

⁵⁸ Newstex Blogs, *How does Rwanda's genocide ideology law regulate speech online?*, 20 July 2020; US Department of State, *2021 country report on human rights practices*, Rwanda, 2022, pp. 18-19; Human Rights Watch, *2019 World report. Events of 2018*, 2019, p. 491; Confidential source, February 2023.

⁵⁹ Confidential source, February 2023.

⁶⁰ US Department of State, *2021 country report on human rights practices*, Rwanda, 2022, pp. 18-19.

⁶¹ US Department of State, *2021 country report on human rights practices*, Rwanda, 2022, pp. 18-20; Human Rights Watch, *2019 World report. Events of 2018*, 2019, p. 491; Confidential source, February 2023.

⁶² Reporters Without Borders, *BBC's Kinyarwanda broadcasts suspended indefinitely*, 24 October 2014.

⁶³ Human Rights Watch, *2019 World report. Events of 2018*, 2019, p. 491; Confidential source, February 2023.

⁶⁴ BBC Kinyarwanda/Kirundi, [BBC Kinyarwanda / Kirundi - Gahuza - listen live \(radio-live-uk.com\)](https://www.bbc.com/kirundi/live/939fm), accessed 5 April 2023.

⁶⁵ BBC World Service, *BBC Africa on the radio, Rwanda - Africa | Schedules | BBC World Service*, accessed 5 April 2023; Confidential source, February 2023.

⁶⁶ Confidential source, February 2023.

Although access to the internet still remained limited and mainly concentrated in urban areas⁶⁷, the internet and social media increased access to information uncontrolled by the authorities. Critical debate took place most often on Twitter and in the comment sections under articles of internet newspapers. YouTube was also widely used. According to a confidential source who followed several channels on YouTube, Itahuku, the channel of the opposition in exile, was relatively little viewed; channels of YouTubers in Rwanda had more viewers. According to a confidential source, these served as a gauge of what was acceptable to the authorities.⁶⁸

During the reporting period, several YouTubers were arrested and criminally prosecuted (see also section 2.7.1.2). In April 2020, following the arrest of several YouTubers who had reported on the effects of the COVID-19 lockdown, the RMC issued a statement, stating that bloggers, like those on YouTube, were not journalists and therefore did not have permission to interview the public.⁶⁹ Independent YouTubers reported that the government was using media laws and registration requirements to criminalise critical reporting by citizens.⁷⁰ In a Voice of America article from December 2021, journalist and YouTuber John Williams Ntwali indicated that YouTubers who created content about beauty or sports or who offered products for sale had little to fear, but those – like himself – who focused on politics and current affairs suffered threats and the risk of imprisonment.⁷¹ In January 2023, Ntwali was killed under suspicious circumstances (see also section 2.6).

2.2.6 COVID-19

At least six journalists and YouTubers were arrested during the COVID-19 lockdown imposed by the authorities in early 2020. In March 2020, four bloggers were arrested who had reported on allegations of rape by security forces and negative consequences of the COVID-19 lockdown. The same YouTubers had also reported on land confiscation in a poor district of Kigali in the months before. In April, two vloggers from Afrimax TV were arrested after asking for permission to distribute food in a Kigali neighbourhood. These vloggers were released a month later.⁷²

Théoneste Nsengimana was arrested in March 2020 for allegedly offering a group of citizens money to say on camera that they had received aid from a b r o a d .⁷³ He was released in May 2020 pending trial.⁷⁴

⁶⁷ Rwanda National Institute of Statistics, *5th Rwanda population and housing census, Main indicators report*, 2022, p. 23.

⁶⁸ Confidential source, February 2023.

⁶⁹ Human Rights Watch, *2021 World report. Events of 2020*, 2021, pp. 575-576; Committee to Protect Journalists, *Rwandan journalist, media worker detained since mid-April*, 21 May 2020; KT Press, RMC, *RURA caution journalists on violating COVID-19 measures*, 13 April 2020; Twitter, @RMC_Rwanda, 13 April 2020, [RMC on Twitter: "Itangazo rigenewe Abanyamakuru muri ibi bihe bya Covid-19\(turise gura ku ikosa ryari mu nteruro ya mbere y'iryo mwabonye mbere\) https://t.co/z0yRVPwZPp" / Twitter](https://twitter.com/RMC_Rwanda/status/1250000000000000000), accessed 7 March 2023.

⁷⁰ US Department of State, *2021 country report on human rights practices*, Rwanda, 2022, pp. 18-19.

⁷¹ VOA, *Rwanda's Assault on YouTubers Puts Journalists in Crosshairs*, 7 December 2021.

⁷² Human Rights Watch, *Rwanda: Wave of free speech prosecutions*, 16 March 2022; KT Press, RMC, *RURA caution journalists on violating COVID-19 measures*, 13 April 2020.

⁷³ KT Press, RMC, *RURA caution journalists on violating COVID-19 measures*, 13 April 2020; Human Rights Watch, *2021 World report. Events of 2020*, 2021, pp. 575-576.

⁷⁴ Human Rights Watch, *2021 World report. Events of 2020*, 2021, pp. 575-576.

On 15 April 2020, YouTuber Dieudonné Niyonsenga, also known as Cyuma Hassan, and his driver were arrested. At the time, Niyonsenga was reporting on the impact of the COVID-19 measures. In March 2021, Niyonsenga was initially acquitted and released.⁷⁵ He continued critical reporting after his release, including on alleged misconduct by the army.⁷⁶ Several months after his acquittal, he was still found guilty on appeal of "forgery, assuming another identity, obstructing public works and humiliating national authorities and officials".⁷⁷ He was sentenced to seven years in prison and RwF five million.⁷⁸ Niyonsenga was charged with practising journalism without accreditation. Despite the fact that he had studied journalism and had worked for registered media in the past, the prosecution compared Niyonsenga's actions to a doctor or lawyer working without a licence. The charge of disparagement of national authorities and officials, which had been added during the appeal, no legal ground existed as of 2019 (see above), requiring the prosecutor to appeal again to correct the error.⁷⁹

2.2.7 Civil society

According to several sources, civil society organisations that cooperated with the authorities could operate reasonably freely.⁸⁰ However, all local and international NGOs had to become members of the *National Civil Society Platform*.⁸¹ According to the Bertelsmann Stiftung, the Rwandan authorities generally discouraged membership of civil society organisations and ignored them when formulating policy. On the other hand, seats in parliament were reserved for certain groups, such as youth, women and the disabled.⁸² According to several sources, independent civil society organisations were weak due to years of intimidation and government interference.⁸³

2.3 Genocide ideology

2.3.1 Combating genocidal ideology and sectarianism

Combating genocidal ideology and ethnic, regional and other forms of division are among the fundamental principles enshrined in Rwanda's constitution

⁷⁵ Committee to Protect Journalists, *Rwandan journalist Dieudonné Niyonsenga acquitted, released after 11 months in prison*, 15 March 2021.

⁷⁶ Human Rights Watch, *Rwanda: Wave of free speech prosecutions*, 16 March 2022.

⁷⁷ Human Rights Watch, *2021 World report. Events of 2020, 2021*, pp. 575-576; Human Rights Watch, *Rwanda: Wave of free speech prosecutions*, 16 March 2022; Confidential source, February 2023.

⁷⁸ Reporters without Borders, *Rwandan online video reporter given "absurd" seven-year-jail sentence*, 22 November 2021; Al Jazeera, *Rwandan YouTube star jailed for 'humiliating' state officials*, 12 November 2021.

⁷⁹ Human Rights Watch, *2021 World report. Events of 2020, 2021*, pp. 575-576; Human Rights Watch, *Rwanda: Wave of free speech prosecutions*, 16 March 2022; Confidential source, February 2023.

⁸⁰ US Department of State, *2022 country report on human rights practices*, Rwanda, 2023, p. 22-23; Confidential source, February 2023.

⁸¹ Bertelsmann Stiftung, Bertelsmann Stiftung, *BTI 2022 Country report Rwanda*, 2022, p. 9.

⁸² Bertelsmann Stiftung, Bertelsmann Stiftung, *BTI 2022 Country report Rwanda*, 2022, p. 32.

⁸³ Human Rights Watch, *2019 World report. Events of 2018, 2019*, p. 491; Human Rights Watch, *2020 World report. Events of 2019, 2019*, p. 483; Human Rights Watch, *2021 World report. Events of 2020, 2021*, pp. 575-576; Bertelsmann Stiftung, Bertelsmann Stiftung, *BTI 2022 Country report Rwanda*, 2022, pp. 9, 26; International Center for Not-For-Profit Law, [Rwanda - ICNL](#), accessed 6 April 2023.

laid down.⁸⁴ According to several sources, the authorities had legitimate grounds to curb the kind of hate speech that had led to the 1994 genocide and prevent the return of ethnic politics.⁸⁵

2.3.2 Genocide ideology law

A revised version of the genocide ideology law was adopted in September 2018.⁸⁶ During the previous reporting period, in August 2013, the law had already been amended to replace the vague definition of genocide with international definitions.⁸⁷ The new 2018 revision coincided with revision of the Penal Code. Indeed, the revised version of the Penal Code did not include genocide denial and genocide ideology.⁸⁸

Interest groups of genocide survivors wanted the sentencing ranges, which had been reduced from up to 25 years in prison to five to nine years in 2013, to be revised upwards again.⁸⁹

In the new law, the punitive measures were set as follows:

- Genocide ideology, denial of genocide, trivialisation of genocide and condoning genocide: two to four years' imprisonment with a fine of RwF 500,000 to RwF 1,000,000⁹⁰ for each offence.
- Causing the disappearance or damaging evidence of genocide: five to seven years' imprisonment with a fine of RwF 500,000 to RwF 1,000,000.
- Theft or mutilation of bodies of genocide victims, and destruction, damage or desecration of memorials or graves of genocide victims: ten to 15 years' imprisonment with a fine of RwF 1,000,000 to RwF 2,000,000 for each offence.
- Violence against a genocide survivor: five to nine years' imprisonment with a fine of RwF 500,000 to RwF 1,000,000.

The law also stated that if the above offences were committed by NGOs, companies or political parties, only the fines could be imposed, but the court could decide to dissolve the organisation or ban it from operating in Rwanda.⁹¹

Generally, ^{divisionism}⁹², sectarianism and genocide denial were identified with each other; what used to be called divisionism was prosecuted in the period under review as denial or trivialisation of genocide.⁹³ Deviations from the narrative that the RPF ended genocide and the

⁸⁴ *Constitution du Rwanda*, 2003, Article 9, [Rwanda. CONSTITUTION, 2003 \(ilo.org\)](#), accessed 24 March 2023.

⁸⁵ Freedom House, *Out of sight, not out of reach, The global scale and scope of transnational repression. Case study Rwanda*, February 2022, p. 26; Human Rights Watch, *Rwanda: Wave of free speech prosecutions*, 16 March 2022; Confidential source, February 2023.

⁸⁶ The New Times, *Parliament Passes Law Against Genocide Ideology*, 11 July 2018; US Department of State, *2018 Country report on human rights practices Rwanda*, 2019, p. 15.

⁸⁷ Ministry of Foreign Affairs, *Thematic official report Rwanda*, August 2016, pp. 52-53.

⁸⁸ Africa News, *Rwanda: Heated Debate as MPs Start Scrutiny of Draft Penal Code*, 17 November 2017.

⁸⁹ The New Times, *Tougher Measures Needed in Fight Against Genocide Ideology*, 17 April 2017.

⁹⁰ Around 415 to 840 euros.

⁹¹ Rwanda Law No 59/2018 OF 22/8/2018 on the crime of genocide ideology and relates crimes, [RWANDA Law 59-2018 on crime of genocide ideology and related crimes.pdf \(ohchr.org\)](#) accessed 20 March 2023; The New Times, *Parliament Passes Law Against Genocide Ideology*, 11 July 2018.

⁹² The term divisionism refers to *Law No 47/2001 of December 2001 instituting punishment for offences of discrimination and sectarianism*, which criminalises discrimination and sowing divisions.

⁹³ Confidential source, February 2023; Confidential source, February 2023; Confidential source, February 2023.

country saved, for example by pointing out the massacres by the RPF, could be punished with accusations of genocide denial and divisionism.⁹⁴

2.3.3 Trends in prosecutions

Every year, the Rwandan police reported the number of arrests made on genocide ideology charges. The number of prosecutions for genocide ideology in the reporting period had decreased compared to the years following the genocide⁹⁵, but after a declining trend in the years 2017-2019, the numbers of arrests increased again in 2020 and 2021. In 2021, 86 investigations led to 66 arrests and in 2022, 68 investigations led to 53 arrests.⁹⁶

Notable cases of prosecution for genocide ideology in the reporting period included YouTubers Yvonne Idamange and Aimable Karasira, both genocide survivors, who used their videos to discuss the 1994 genocide, including the crimes committed by the RPF in the aftermath (see also section 2.7.1.2).⁹⁷

2.3.4 Genocide ideology and freedom of expression

Legislation against divisionism, genocide ideology and genocide denial was still often used to discourage citizens and visitors to Rwanda from expressing opinions that could be seen as polarising or threatening Rwanda's security and stability.⁹⁸ A statement meant as a joke or out of frustration could reportedly have serious consequences. For example, a confidential source told of a person who had been prosecuted for genocide ideology for prioritising feeding his cows over participating in the commemoration activities during the genocide commemoration.⁹⁹ In doing so, the source did not specify the punishment this person received for doing so.

2.4 Abuse, torture and excessive force

⁹⁴ Freedom House, *Out of sight, not out of reach, The global scale and scope of transnational repression. Case study Rwanda*, February 2022, p. 23; see also the cases of Victoire Ingabire, Yvonne Idamange and Aimable Karasira.

⁹⁵ Confidential source, February 2023; Confidential source, February 2023; Confidential source, February 2023.

⁹⁶ US Department of State, *2018 Country report on human rights practices Rwanda*, 2019, p. 15; US Department of State, *2019 Country report on human rights practices Rwanda*, 2020, p. 15; US Department of State, *2020 Country report on human rights practices Rwanda*, 2021, p. 16; US Department of State, *2021 Country report on human rights practices Rwanda*, 2022, p. 18; US Department of State, *2022 Country report on human rights practices Rwanda*, 2023, p. 16.

⁹⁷ DW, Rwanda: Yvonne Idamange a été condamnée à 15 ans de prison, 1 October 2021; Human Rights Watch, *2020 World report. Events of 2019*, 2020; Le Monde Afrique, *La youtubeuse Yvonne Idamange condamnée à 15 ans de prison au Rwanda pour avoir critiqué le pouvoir*, 1 October 2021; CPJ, *Aimable Karasira Uzaramba imprisoned*, 31 May 2021.

⁹⁸ US Department of State, *2021 country report on human rights practices*, Rwanda, 2022; Human Rights Watch, *2022 World report. Events of 2021*, 2021, p. 563; Human Rights Watch, *Rwanda: Wave of Free Speech Prosecutions*, 16 March 2022; US Department of State, *2018 Country report on human rights practices Rwanda*, 2019, p. 15; US Department of State, *2021 country report on human rights practices*, Rwanda, 2022; Human Rights Watch, *2022 World report. Events of 2021*, 2021, p. 563; Index on censorship, *Ntwali's death is a huge loss for Rwanda's challenging media landscape*, 24 January 2023; Global Voices, *How does Rwanda's genocide ideology law regulate free speech online?*, 20 July 2020; Confidential source, February 2023.

⁹⁹ Confidential source, February 2023.

2.4.1 *Legal framework*

Rwanda's constitution prohibits torture and other cruel, inhuman and degrading treatment. The Penal Code prescribes punishments of 20 to 25 years for persons who carry out torture and life imprisonment for government representatives guilty of it in the performance of their duties.¹⁰⁰

2.4.2 *Optional Protocol to the Convention Against Torture*

Rwanda had ratified the Optional Protocol to the Convention Against Torture (OPCAT) in 2015, but in 2018, the UN Subcommittee on Prevention of Torture (SPT) broke off its visit to Rwanda due to lack of cooperation from the Rwandan authorities. The visit had been suspended a year earlier because Rwandan authorities had not allowed the committee to hold confidential interviews with Victoire Ingabire (see also section 2.9) and other detainees. The Rwandan authorities rejected allegations that they had antagonised the committee.¹⁰¹ During a conversation with EU ambassadors in autumn 2022, the Justice Minister pledged that the UN subcommittee would be welcome to visit Rwanda.¹⁰²

2.4.3 *Violence and beatings by security forces*

Although President Kagame and the justice minister publicly condemned the use of excessive force by individual security personnel in 2020, this reporting period also saw ill-treatment by police, army and security forces. According to various sources, there were many reports of use of physical force in enforcing the law by members of the *District Administration Security Support Organ* (DASSO)¹⁰³, particularly in 2020 and 2021 where COVID-19 lockdown measures were concerned.¹⁰⁴

For ill-treatment and torture in detention, see section 4.2.

2.4.4 *Use of force in Kiziba refugee camp*

In January 2018, Rwandan police fired live rounds at participants in a demonstration by several thousand Congolese refugees in the

¹⁰⁰ US Department of State, *2021 country report on human rights practices*, Rwanda, 2022, p. 4.

¹⁰¹ Human Rights Watch, *2019 World report*. Events of 2018, 2019, p. 495; OHCHR, *Prevention of Torture: UN human rights body suspends Rwanda visit citing obstructions*, 20 October 2017; KT Press, *PST termination of Rwanda mission is in bad faith - Busingye*, 23 October 2017; The EastAfrican, *Rwanda: UN Rights Team, Rwanda Disagree*, 28 October 2017.

¹⁰² Confidential source, April 2023.

¹⁰³ Established in 2013, DASSO replaced the Local Defence Forces (LDF). DASSO officers are generally demobilised soldiers. They wear green uniforms and are equipped with truncheons. The DASSO falls under the Ministry of Local Government, and its members answer to the mayor. Their duties include guarding local government buildings, making arrests and transporting suspects. They also perform administrative duties at police stations. Source: Lamarque, Hugh, 'Policing small communities, Rwanda law enforcement and the co-production of security', in *Politique Africaine*, 2020/4 (no 160), pp 113-138.

¹⁰⁴ Amnesty International, *2021 Annual report*, 2022, p. 316; US Department of State, *2021 country report on human rights practices*, Rwanda, 2022, pp. 4-5; Confidential source, February 2023.

Kiziba refugee camp.¹⁰⁵ The refugees protested against their living conditions and a curtailment of their food rations. Some refugees threw stones at the police. Five refugees were killed in this incident, according to Rwandan police. According to UNHCR, there were at least 11. *Human Rights Watch* said that according to witness accounts, at least 15 refugees had been killed, and some others were missing. A few months later, in May 2018, tensions flared up again, with one person killed and dozens arrested. The Rwandan authorities dissolved the committee of refugee representatives, upon which many of them fled Rwanda.¹⁰⁶ According to a 2019 report by the Rwandan National Human Rights Commission, 11 refugees had been killed. According to the Commission, police had fired live rounds only as a last resort, after all peaceful means had been exhausted, in response to an organised and violent attack by the refugees.¹⁰⁷ According to Human Rights Watch, 35 refugees were sentenced to prison terms ranging from three months to 15 years between October 2018 and September 2019. 22 refugees were released.¹⁰⁸

2.4.5 Action by authorities against torture

According to confidential sources, the Rwandan authorities' action against ill-treatment, torture, disappearances and killings and extrajudicial killings was inadequate.¹⁰⁹ Although the Minister of *Local Government* indicated in 2021 that all members of DASSO would receive human rights training, no action was taken on this. In some cases, the authorities acted against members of the army, police and DASSO who used force, but in general there was impunity - especially if they were political opponents.¹¹⁰ The authorities also took no action against prison conditions that were perceived by prisoners as solitary confinement^{111, 112}.

Since joining the Optional Protocol to the Convention Against Torture (OPCAT), Rwanda has mandated the National Human Rights Commission (NCHR) to prevent torture.¹¹³ The Commission made regular visits to prisons and detention centres. In its detailed annual reports, the Commission presented the results of these visits. In the 2021-2022 report, the Commission indicated that based on visits to 14 detention centres, it had found that the rights of detainees were respected

¹⁰⁵ Kiziba is the oldest refugee camp in Rwanda with the largest refugee population. It is located in western Rwanda. The camp was established in 1996, when large flows of refugees from the DRC came to Rwanda. By 2023, there were over 17,000 refugees there. Source: UNHCR, [UNHCR Rwanda Kiziba Camp Profile April 2021.pdf](#), accessed 7 April 2023.

¹⁰⁶ RFI, *Rwanda: violences dans le camp de réfugiés congolais de Kiziba*, 3 May 2018; Human Rights Watch, *2019 World report. Events of 2018, 2019*, pp. 492-493; Human Rights Watch, *2020 World report. Events of 2019, 2020*, pp. 484-485.

¹⁰⁷ National Commission for Human Rights, *Summary of the NCHR report on Kiziba refugee camp incident*, 2019, [index.php \(cndp.org.rw\)](#), accessed 30 March 2023.

¹⁰⁸ Human Rights Watch, *2020 World Report. Events of 2019, 2020*, pp. 484-485.

¹⁰⁹ Confidential source, February 2023; Confidential source, February 2023.

¹¹⁰ US Department of State, *2021 country report on human rights practices*, Rwanda, 2022, p. 5; Confidential source, February 2023.

¹¹¹ Solitary confinement means that the prisoner has no contact with other prisoners. This is different from incommunicado detention, which means the prisoner has no contact with anyone, including the lawyer. In incommunicado detention, the whereabouts of the person are also often unknown. Source: [Incommunicado detention - Amnesty International](#)

¹¹² Confidential source, June 2022.

¹¹³ Association for the Prevention of Torture, *Rwanda: National Commission for Human Rights officially designated as national mechanism to prevent torture*, 20 September 2018.

were and that no torture took place. The same applied to 70 police cells visited, although according to the Commission, detainees there did not always have access to legal aid.¹¹⁴ According to a confidential source, the Commission had a strong relationship with the authorities, and often failed to investigate reports of human rights violations in politically sensitive cases.¹¹⁵

2.5 Disappearances

In 2021, Rwanda backtracked on previous commitments in ratifying the Convention Against Enforced Disappearances. In 2021, the authorities rejected the recommendation arising from the Universal Periodic Review (UPR) to sign the Convention Against Enforced Disappearances.¹¹⁶

During the reporting period, there were again several reports of temporary disappearances resulting from abduction and incommunicado detention by the Rwandan authorities. In other cases, enforced disappearance was suspected.¹¹⁷

In 2017, Violette Uwamahoro disappeared for a fortnight while on a family visit to Rwanda.¹¹⁸ Uwamahoro was the wife of a UK-based member of the opposition *Rwanda National Congress* (RNC) party who was also targeted by Pegasus spyware (see also section 2.8.3). It emerged afterwards that Uwamahoro, who was pregnant, had spent the two weeks in incommunicado detention.¹¹⁹ In 2018, Dennis Karera (the brother of the justice minister) and Karenzi Karake, former head of the Rwandan security service, temporarily disappeared. They were later released, but Karake has been under house arrest ever since.¹²⁰

During the reporting period, several members of Victoire Ingabire's opposition parties *Forces Démocratiques Unifiées* (United Democratic Forces, ^{FDU-Inkingi}¹²¹) disappeared: Illuminée Iragena in 2016; Boniface Twagirimana, FDU-Inkingi's vice-president, in 2018 after allegedly escaping from prison; and Eugène Ndereyimana in July 2019.¹²² In June 2021, Venant Abayisenga, a member of *Development And Liberty For All* (Development and Liberty For All, DALFA-

¹¹⁴ Rwanda National Human Rights Commission, *Annual report 2022*, pp. 64, 76.

¹¹⁵ Confidential source, April 2023.

¹¹⁶ Amnesty International, *2021 Annual report*, 2022, p. 315.

¹¹⁷ Amnesty International, *2021 Annual report*, 2022, p. 315; Freedom House, *Out of sight, not out of reach, The global scale and scope of transnational repression. Case study Rwanda*, February 2022, p. 24; Human Rights Watch, *2021 World report. Events of 2020*, 2020; Human Rights Watch, *2022 World report. Events of 2021*, 2021, pp. 565-568; Human Rights Watch, *2023 World report, Rwanda events of 2022*, 2022, pp. 513-514; US Department of State, *2021 country report on human rights practices*, Rwanda, 2022, p. 4.

¹¹⁸ Freedom House, *Out of sight, not out of reach, The global scale and scope of transnational repression. Case study Rwanda*, February 2022, p. 25; Amnesty International, *2017 Annual report*, 2018, p. 316; Financial Times, *Inside the WhatsApp hack: how an Israeli technology was used to spy*, 30 October 2019.

¹¹⁹ Financial Times, *Inside the WhatsApp hack: how an Israeli technology was used to spy*, 30 October 2019.

¹²⁰ The Advocates for Human Rights, *Rwanda Stakeholder Report for the United Nations Universal Periodic Review*, 9 July 2020, p. 4; Media.com, *Kagame Made General Karake Disappear*, 7 August 2018; Human Rights Watch, *2019 World report. Events of 2018*, 2019, pp. 493-494; Confidential source, March 2023.

¹²¹ Inkingi means 'pillar' in Kinyarwanda. Source: Glosbe.com, accessed 6 April 2023.

¹²² Amnesty International, *2017 Annual report*, 2018, p. 316; Amnesty International, *2019 Human rights in Africa, annual report*, 2020, pp. 65-66; Human Rights Watch, *2020 World report. Events of 2019*, 2020, p. 482.

Umurinzizi¹²³), Ingabire's new party.¹²⁴ At the end of the reporting period, there was no news of their whereabouts.¹²⁵

In May 2021, Cassien Ntamuhanga, former journalist and opposition party founder and asylum seeker in Mozambique, was arrested by Mozambican authorities and handed over to the Rwandan embassy. A few weeks earlier, Ntamuhanga had been convicted in absentia of terrorist activities. The authorities of both countries denied having Ntamuhanga in detention. Nothing has been heard of him since his arrest in Mozambique.¹²⁶

In 2021, Innocent Bahati, a poet who commented on social issues such as poverty and the consequences of the COVID-19 lockdown, disappeared through poems he recited on YouTube. In 2017, he had previously been detained without charge for several months after spending days in incommunicado detention.¹²⁷ Attention was drawn to the case from various quarters.¹²⁸

2.5.1 *Action by authorities against disappearances*

According to several sources, government agencies lacked capacity and independence to effectively investigate human rights violations. Investigations into disappearances were rarely completed.¹²⁹ With regard to the disappearance of Innocent Bahati, the RIB claimed to have evidence that Bahati had fled to Uganda, was in contact with 'anti-Rwandan movements' there and then left for a third country. However, he remained untraceable.¹³⁰

2.6 **Assassinations and extrajudicial killings**

Human rights organisations reported several killings and alleged extrajudicial killings during the reporting period.

In 2017, Human Rights Watch published a report titled 'All thieves must be killed'. Based on 119 interviews with family members, witnesses and government representatives, the organisation stated that at least 37 suspects of

¹²³ Umurinzizi means 'guardian' or 'protector' in Kinyarwanda. Source: Glosbe.com, accessed 6 April 2023.

¹²⁴ Human Rights Watch, *2022 World report. Events of 2021*, 2022.

¹²⁵ US Department of State, *2022 country report on human rights practices*, Rwanda, 2023, p. 3.

¹²⁶ RFI, *Exilé au Mozambique, le journaliste Cassien Ntamuhanga menacé d'extradition vers le Rwanda*, 3 June 2021; Human Rights Watch, *2022 World report. Events of 2021*, 2022, pp. 565-566; US Department of State, *2021 country report on human rights practices*, Rwanda, 2022, pp. 13-14; The Elephant, *Where is Exiled Former Rwandan Journalist Cassien Ntamuhanga?*, 2 July 2022; Amnesty International, *2021 Annual report*, 2022, p. 315.

¹²⁷ JamboNews, *Rwanda: Où est Innocent Bahati?*, 23 March 2021; The Guardian, *Margaret Atwood joins writers calling for urgent action over missing Rwandan poet*, 7 February 2022; US Department of State, *2021 country report on human rights practices*, Rwanda, 2022, p. 3.

¹²⁸ The Guardian, *Margaret Atwood joins writers calling for urgent action over missing Rwandan poet*, 7 February 2022; PEN International, *Open letter to President Paul Kagame on the disappearance of Innocent Bahati*, 7 February 2022; Confidential source, April 2023.

¹²⁹ US Department of State, *2021 country report on human rights practices*, Rwanda, 2022, p. 3; Confidential source, February 2023; Confidential source, February 2023.

¹³⁰ US Department of State, *2022 country report on human rights practices*, Rwanda, 2023, p. 4; RFI, *Rwanda: le poète porté disparu Innocent Bahati est parti en Uganda, selon les enquêteurs*, 18 February 2022; Confidential source, March 2023.

minor offences such as theft, drug use and smuggling had been extrajudicially executed by army, police, and in some cases the DASSO. Authorities also reportedly encouraged civilians to kill thieves.¹³¹

In 2018, lawyer Donat Mutunzi, who was known for operating independently, was found dead in his cell under suspicious circumstances.¹³² The same applied to popular singer Kizito Mihigo, who was found dead in his cell a few days after his arrest in 2020. Both Mutunzi and Mihigo allegedly committed suicide. According to Human Rights Watch, just before his death, Mihigo had indicated that he had been threatened. He had been sentenced to 10 years in prison in 2015 for, among other things, conspiracy after he - himself a Tutsi survivor of the genocide - released a song expressing sympathy for all those who had been killed. Mihigo had been released in 2018 after a presidential pardon.¹³³

On 18 January 2023, independent journalist John Williams Ntwali was killed in a collision. Rwandan police called it an accident, but human rights observers questioned this. When his death was announced by authorities, he had been missing for two days. According to authorities, he had lain unidentified in the mortuary for that time. Ntwali was editor of *The Chronicles* newspaper and owner of the YouTube news channel Pax TV - IREME News. Among other things, he reported on politically motivated trials of journalists and opposition figures, and posted videos of their conditions in prison. Several sources described Ntwali as an important investigative journalist who was openly critical of President Kagame, and often the only journalist who dared to report on issues of political persecution and repression. Ntwali's last video was dated 17 January 2023 and was about the disappearance of a genocide survivor who said he had been mistreated by the police. Ntwali had earlier stated that he had been threatened several times and had survived staged accidents. After his death, his Twitter account had disappeared.¹³⁴

In 2019, two close associates of Victoire Ingabire (see also section 2.9) were killed. Her personal assistant, Anselme Mutuyimana, was found dead under suspicious circumstances in March that year, while the national coordinator of Ingabire's party FDU-Inkingi, Syldio Dusabumuremyi, was stabbed to death in September that year.¹³⁵

2.6.1 Action by authorities against killings and extrajudicial killings

¹³¹ Human Rights Watch, 'All thieves must be killed': Extrajudicial executions in Western Rwanda, 13 July 2017.

¹³² Musabyimana, *Rwanda: exécutions extrajudiciaires très significatives*, 24 April 2018, [Rwanda : Exécutions extrajudiciaires très significatives | Actualité/informations et documentation socio-politiques sur le Rwanda | musabyimana.net](#), accessed 19 March 2023; RFI, *Rwanda: deux avocats disparaissent en l'espace de deux mois*, 25 April 2018; Confidential source, June 2018.

¹³³ VOA, *Popular Rwandan Rapper Dies in Custody*, 2 September 2021; Human Rights Watch, *Entretien : Comment une chanson a scellé le sort de l'artiste rwandais Kizito Mihigo*, 17 February 2021; Amnesty International, *2021 Annual report*, 2022, p. 316.

¹³⁴ NRC, *Death of critic Rwanda 'suspect'*, 24 January 2023; The Guardian, *Rwandan court fines speeding driver \$920 over death of campaigning journalist*, 7 February 2023; Index on Censorship, *Ntwali's death is a huge loss for Rwanda's challenging media landscape*, 24 January 2023; Jeffrey Smith (@Smith_JeffreyT) on Twitter, https://twitter.com/Smith_JeffreyT/status/1616146139358855168, 19 January 2023; Confidential source, February 2023.

¹³⁵ Amnesty International, *2019 Human rights in Africa, annual report*, 2020, p. 66; Human Rights Watch, *2020 World report. Events of 2019*, 2020, p. 482.

The authorities rarely published results of investigations into possible killings and extrajudicial killings by/on behalf of the authorities.¹³⁶ According to confidential sources, the authorities' actions were neither sufficient, credible nor efficient.¹³⁷ In 2019, President Kagame called the EU human rights report "ridiculous" and would not respond to questions about killings and attacks on critics ahead of the 2017 elections.¹³⁸ In 2020, both President Kagame and the justice minister condemned the use of excessive force by individual police officers and promised to hold perpetrators accountable. Nevertheless, no independent investigation into singer Mihigo's death was launched, and the results of the autopsy commissioned by the authorities were not made public.¹³⁹

The RIB claimed to have investigated the deaths of Anselme Mutuyimana and Sylodio Dusabumuremyi. Two people were arrested in the Dusabumuremyi case, but no full investigation was conducted in the Mutuyimana case.¹⁴⁰

In the Ntwali case, within three weeks, a man was convicted of "unintentional manslaughter and causing involuntary bodily harm". The trial had taken place almost entirely behind closed doors - except for the reading of the verdict, at which neither the accused nor the prosecutor were present. According to the judge, the accused had pleaded guilty and apologised. He was fined one million Rwandan francs¹⁴¹ (about €860).¹⁴²

The Rwandan government rejected Human Rights Watch's 'All thieves must be killed' report.¹⁴³ According to investigations by the Rwandan National Commission for Human Rights, some of the victims named by Human Rights Watch were still alive, others had died from illness or accidents, and still others were allegedly killed because they were in an area cordoned off for security reasons and they did not heed a call to stop. A few would indeed have been killed, but for this the perpetrators - both a government official and civilians - would have been tried and punished.¹⁴⁴ Following this incident, the Rwandan authorities refused entry to Rwanda to a Human Rights Watch researcher. A Rwandan consultant doing work for the organisation was arbitrarily detained for six days, the first 12 hours of which were incommunicado.¹⁴⁵

¹³⁶ US Department of States, *2022 Country report on human rights practices Rwanda, 2023*, pp. 2-3.

¹³⁷ Confidential source, February 2023; Confidential source, February 2023.

¹³⁸ Human Rights Watch, *2020 World report. Events of 2019, 2020*, p. 486; France24, 'Just ridiculous': Rwanda's Paul Kagame dismisses EU human rights report, 24 June 2019, '[Just ridiculous': Rwanda's Paul Kagame dismisses EU human rights report - Talking Europe \(france24.com\)](https://www.france24.com/en/africa/20190624-just-ridiculous-rwanda-paul-kagame-dismisses-eu-human-rights-report)', accessed 17 March 2023.

¹³⁹ Amnesty International, *2021 Annual report, 2022*, p. 316; Human Rights Watch, *2021 World report. Events of 2020, 2021*; US Department of State, *2021 country report on human rights practices, Rwanda, 2022*, p. 3.

¹⁴⁰ Human Rights Watch, *2020 World report. Events of 2019, 2020*, p. 482; US Department of State, *2021 country report on human rights practices, Rwanda, 2022*, p. 3.

¹⁴¹ For context: According to Take-Profit.org, the average salary for highly educated people in 2018 was Rwf 538,400 (USD 564) per month, [Rwanda Wages 2023 | Minimum & Average | Take-profit.org](https://www.take-profit.org/rwanda-wages-2023), accessed 17 May 2023; According to BDEEX, on 1 May 2023, the average salary in Rwanda was equal to USD 230 per month, [Salaries in Rwanda, average salaries in 2023 and 2022 | BDEEX USA](https://www.bdex.org/salaries-in-rwanda-average), accessed 17 May 2023.

¹⁴² The Guardian, *Rwandan court fines speeding driver \$920 over death of campaigning journalist*, 7 February 2023.

¹⁴³ IGIHE, *Rwanda rejects HRW's report on abusive prosecutions*, 16 March 2022.

¹⁴⁴ National Commission on Human Rights, *Report on investigations carried out by the National Commission for Human Rights in Rustiro and Rubavu districts on the Human Rights Watch report of July 2017*, October 2017, pp. 3-4.

¹⁴⁵ Human Rights Watch, *2019 World report. Events of 2018, 2019*, p. 491; Human Rights Watch, *2020 World report. Events of 2019, 2020*, p. 483; Human Rights Watch, *2021 World report. Events of 2020, 2021*, pp. 575-576.

2.7 Position specific groups

2.7.1 *Individuals seen as threat to state security*

Individuals who disagreed with the direction of the country and criticised the authorities were at risk of intimidation, ill-treatment, disappearance or incommunicado detention, and, in some cases, murder (see also sections 2.4, 2.5, and 2.6).¹⁴⁶ According to several confidential sources, individuals who were seen as wishing to stir up polarising sentiments were particularly at risk of negative attention, both from the population and from the authorities.¹⁴⁷ Several sources agreed that the authorities had legitimate grounds to curb the kind of hate speech that had led to the 1994 genocide and prevent the return of ethnic politics. Nevertheless, the Rwandan authorities left hardly any room for debate or political and ideological diversity.¹⁴⁸ According to a confidential source, it was possible to discuss difficult topics, for example about what the Hutu refugees had experienced after the genocide, but this had to be done with great tact and without a political agenda, otherwise the authorities intervened.¹⁴⁹

The law gives Rwandan authorities virtually unlimited rights to intercept communications as long as it is deemed in the interest of the country's security and stability. Only interception of communications by the President is prohibited. Interception of communications without permission to do so from the authorities is unlawful.¹⁵⁰ It is generally believed that Rwandan security forces have broad ramifications in society. In 2021, reports emerged that Rwanda was using the NSO spyware Pegasus to monitor political opposition, both at home and abroad (see also section 2.8.3). In doing so, the authorities had informants all over the country¹⁵¹; being unknown therefore offered no protection.¹⁵² According to a confidential source, international familiarity could provide some protection - to avoid diplomatic incidents - especially if the person did not have a major influence on Rwandan public opinion.¹⁵³

2.7.1.1 Members of political parties

(Active) membership of an opposition party could contribute to negative attention from the Rwandan authorities, but was not a prerequisite for this. Negative

¹⁴⁶ US Department of States, *2022 Country report on human rights practices Rwanda*, 2023, pp. 2-4, 10-11; Confidential source, February 2023; Confidential source, February 2023.

¹⁴⁷ Confidential source, February 2023; Confidential source, February 2023.

¹⁴⁸ Freedom House, *Out of sight, not out of reach*, The global scale and scope of transnational repression. Case study Rwanda, February 2022, p. 26; Human Rights Watch, *Rwanda: Wave of free speech prosecutions*, 16 March 2022; Confidential source, February 2023.

¹⁴⁹ Confidential source, February 2023.

¹⁵⁰ N° 60/2013 of 22/08/2013 *Law regulating the interception of communications*.

¹⁵¹ Rwandan society has traditionally been strongly hierarchically organised from national to village level. The genocide did not change this. Decision-making happens top down from the highest to the lowest administrative level, but intelligence starts at the lowest government level and is passed upwards. Source: Andrea Purdekova, "Even if I am not here, there are so many eyes:" Surveillance and state reach in Rwanda", in *Journal of Modern African Studies*, 49, 3 (2011), pp. 475-497; Confidential source, May 2023.

¹⁵² Freedom House, *Out of sight, not out of reach*, The global scale and scope of transnational repression. Case study Rwanda, February 2022, p. 23; Hugh Lamarque, 'Policing small communities, Rwanda law enforcement and the co-production of security', in *Politique Africaine*, 2020/4 (no 160), p. 114; The Guardian, *Rwandans have long been used to Pegasus-style surveillance*, 23 July 2021; Confidential source, February 2023.

¹⁵³ Confidential source, February 2023.

attention seemed to result from the nature of a person's activities and outspokenness rather than membership of a political party. Membership of the political opposition, criticism of the regime and utterances interpreted as hate speech were quickly identified with each other and seen as mutually reinforcing.¹⁵⁴ This could involve manipulation: if someone was seen by the authorities as a threat to stability, they could be associated by others - on instruction or not - with other (criminal) matters.¹⁵⁵

The opposition *Green Party* had some room to operate.¹⁵⁶ The party gained two seats in parliament in 2018.¹⁵⁷ According to confidential sources, the party's leader was under enormous pressure to conform to the system in order to gain a seat in parliament. Also, the death of that party's second-in-command is said to still have a repressive effect.¹⁵⁸ André Kagwa Rwisereka was found virtually decapitated in 2010 after disappearing for about a month.¹⁵⁹ According to authorities, it was a criminal robbery, but the party's chairman called it an assassination attempt, and told the press that he and Rwisereka had received anonymous death threats.¹⁶⁰

Others were given little to no space to engage in politics.¹⁶¹ In September 2017, opposition politician Diane Rwigara and her mother were arrested. Rwigara had stood for the August 2017 presidential election, but her candidacy had been rejected for allegedly not collecting enough signatures. In the days leading up to her arrest, Rwigara had spoken to international media and claimed that she and her family were being harassed for being critical of the authorities.¹⁶² Rwigara was acquitted and released after more than a year on 6 December 2018.¹⁶³ Rwigara's father was a wealthy industrialist who had been a long-time backer of the RPF, but was killed in a car accident in February 2015. According to the family, it was deliberate and the authorities were behind it.¹⁶⁴

During the reporting period, at least 15 people from Victoire Ingabire's various parties, FDU-Inkingi and DALFA-Umurinzi, were arrested and prosecuted on charges of forming/participating in an armed group, conspiring against the government and spreading false information (see also section 2.3.4).¹⁶⁵ According to a confidential source, they were

¹⁵⁴ Freedom House, *Out of sight, not out of reach, The global scale and scope of transnational repression. Case study Rwanda*, February 2022, p. 26; Confidential source, February 2023; Confidential source, February 2023; Confidential source, February 2023; Confidential source, February 2023.

¹⁵⁵ Confidential source, February 2023; Confidential source, February 2023; Confidential source, February 2023.

¹⁵⁶ Confidential source, February 2023; Confidential source, February 2023.

¹⁵⁷ National Elections Commission, Parliamentary elections 2018 results, [URUTONDE RW ABADÉPITE BEMEJWE BY AGATEGANYO.pdf \(nec.gov.rw\)](#), accessed 22 March 2023.

¹⁵⁸ Confidential source, February 2023; Confidential source, February 2023.

¹⁵⁹ Jeune Afrique, *Le numéro deux d'un parti d'opposition retrouvé assassiné*, 14 July 2010; The New York Times, *Rwanda Opposition Figure Found Dead*, 14 July 2010.

¹⁶⁰ The New York Times, *Rwanda Opposition Figure Found Dead*, 14 July 2010.

¹⁶¹ Confidential source, February 2023; Confidential source, February 2023; Confidential source, February 2023.

¹⁶² Human Rights Watch, *2019 World report. Events of 2018*, 2019, p. 492; TV5 Monde, *Rwanda: l'acquittement surprise de l'opposante Diane Rwigara*, 6 December 2018.

¹⁶³ TV5 Monde, *Rwanda : l'acquittement surprise de l'opposante Diane Rwigara*, 6 December 2018.

¹⁶⁴ The East African, *Family of deceased tycoon Assinapol Rwigara petitions President Kagame*, 14 March 2015.

¹⁶⁵ Human Rights Watch, *2021 World Report, Events of 2020*, 2021, pp. 573-575; Human Rights Watch, *Rwanda: Politician Convicted for Harming Rwanda's Image*, 18 January 2023; DefenceWeb, *Conspiracy jail sentences for Rwandan opposition*, 27 January 2020; Human Rights Watch, *Rwanda: Wave of free speech prosecutions*, 16 March 2022; Human Rights Watch, *2023 World Report, Events of 2022*, 2022, pp. 513-514; Defence Web, *Six people arrested in Rwanda, accused of spreading rumours*, 15 October 2021.

still in prison at the end of the reporting period with no progress in their trials.¹⁶⁶

Former editor of *The Chronicles* newspaper, Christopher Kayumba, founded the *Rwandan Platform for Democracy* (RPD) political party in March 2021. Soon after, he was accused of rape by his former housekeeper. In September 2021, Kayumba was arrested and charged with rape and attempted rape. He was acquitted in February 2023, after one-and-a-half years on remand.¹⁶⁷ Jean Bosco Nkusi, responsible for mobilisation for the RPD, was arrested in March 2021 and charged with fraud and forming a criminal organisation. He was sentenced to 10 years in prison in April 2022.¹⁶⁸

2.7.1.2 Journalists and YouTubers

During the reporting period, there were several examples of journalists and YouTubers facing negative attention from the authorities (see also section 2.2.5). Discussed above was the arrest of members of the opposition political parties FDU-Inkingi and DALFA-Umurinzi. In October 2021, along with seven members of the DALFA-Umurinzi political party, YouTuber Théoneste Nsengimana was arrested. Nsengimana was supposed to report on Ingabiredag, an event where Victoire Ingabire had planned to speak about political repression in Rwanda. He was charged with "s p r e a d i n g false information and harmful propaganda with the aim of causing hostile international opinion about Rwanda".¹⁶⁹ No verdict had been reached in this case by the end of the reporting period. Nsengimana had already been arrested in 2020 for his reporting on the circumstances of the COVID-19 lockdown and released on bail (see also section 2.2.6).¹⁷⁰

YouTubers Yvonne Idamange and Aimable Karasira, both survivors of the genocide, used their videos to discuss the 1994 genocide, including the crimes committed by the RPF in the aftermath.¹⁷¹ Idamange was arrested in 2019 after calling for a demonstration against the government's capitalising on the genocide. She was found guilty on a list of charges and given a 15-year prison sentence.¹⁷² Karasira was also arrested in 2019 and prosecuted for genocide denial (see also section 2.3).¹⁷³ Human Rights Watch ruled that judging from the evidence on which the judges based their rulings, these cases were violations of

¹⁶⁶ Confidential source, April 2023.

¹⁶⁷ Human Rights Watch, *2023 World Report. Events of 2022*, 2022, pp. 513-514; KT Press, Former university don Kayumba acquitted, 22 February 2023; Africa News, *Opposition figure Christopher Kayumba held for rape in Rwanda*, 10 September 2021.

¹⁶⁸ Human Rights Watch, *2023 World Report. Events of 2022*, 2022, pp. 513-514; Les Mutikeys, *Rwanda : SOS pour Jean Bosco Nkusi détenu dans des condition inhumaines*, 6 May 2022.

¹⁶⁹ Human Rights Watch, *Rwanda: Wave of free speech prosecutions*, 16 March 2022; CPJ, *Rwandan journalist Théoneste Nsengimana detained since October 13*, 3 November 2021.

¹⁷⁰ KT Press, *RMC, RURA caution journalists on violating COVID-19 measures*, 13 April 2020; Human Rights Watch, *2021 World report. Events of 2020*, 2021, pp. 575-576.

¹⁷¹ DW, *Rwanda: Yvonne Idamange a été condamnée à 15 ans de prison*, 1 October 2021; Human Rights Watch, *2020 World report. Events of 2019, 2020*; Le Monde Afrique, *La youtubeuse Yvonne Idamange condamnée à 15 ans de prison au Rwanda pour avoir critiqué le pouvoir*, 1 October 2021; CPJ, *Aimable Karasira Uzaramba imprisoned*, 31 May 2021.

¹⁷² DW, *Rwanda : Yvonne Idamange a été condamnée à 15 ans de prison*, 1 October 2021 ; Human Rights Watch, *2020 World report. Events of 2019, 2020*; Le Monde Afrique, *La youtubeuse Yvonne Idamange condamnée à 15 ans de prison au Rwanda pour avoir critiqué le pouvoir*, 1 October 2021.

¹⁷³ CPJ, *Aimable Karasira Uzaramba imprisoned*, 31 May 2021; Human Rights Watch, *2020 World report. Events of 2019, 2020*.

African and international human rights treaties and showed how little room there was for dissent in Rwanda.¹⁷⁴

In 2021, Innocent Bahati, a poet who commented on social issues such as poverty and the consequences of the COVID-19 lockdown, disappeared through poems he recited on YouTube.¹⁷⁵

In October 2022, three contributors to the Iwacu TV YouTube channel, Damascene Mutuyimana, Shadrack Niyonsenga, and Jean Baptiste Nshimiyima, were acquitted of spreading false information with the aim of causing hostile international opinion about Rwanda. More than 22 years in prison had been demanded against them. The three had spent more than four years in pre-trial detention.¹⁷⁶

2.7.1.3 Former confidants

Also at high risk of negative attention were individuals who met some or all of the following characteristics: once belonged to the security apparatus, had been a confidant of the president, had knowledge of state secrets, had resided abroad for an extended period of time and had been critical of the Rwandan authorities.¹⁷⁷ The most famous example is the murder of Colonel Patrick Karegeya, who was found dead in his hotel room in South Africa in 2014. Karegeya was a former head of the Rwandan security service and one of the founding members of the *Rwanda National Congress* (RNC) a Rwandan opposition party in exile.¹⁷⁸ According to South African officials, all evidence pointed towards the Rwandan authorities.¹⁷⁹ In 2015, Rwandan major Robert Higiho testified before the US Congress that the director of Rwandan military intelligence, Colonel Dan Munyza had ordered him to kill Karegeya and General Kayumba Nyamwasa. Higiho himself was subsequently targeted in attempts by Rwandan authorities to assassinate him.¹⁸⁰

In 2018, Karenzi Karake, former head of the Rwandan security service, and Dennis Karera, the brother of the justice minister, disappeared. Both were released after several weeks of incommunicado detention, but Karenzi Karake has since been under house arrest.¹⁸¹ A report by the *Organised Crime and Corruption Reporting Project* (OCCRP) mentioned an internal Interpol document stating that an arrest warrant against Eugene Gasana, a former confidant of Kagame, had been withdrawn because the charges were allegedly politically motivated.¹⁸²

¹⁷⁴ Human Rights Watch, *2020 World report. Events of 2019*, 2020.

¹⁷⁵ US Department of State, *2021 country report on human rights practices*, Rwanda, 2022, p. 3; JamboNews, *Rwanda: Où est Innocent Bahati?*, 23 March 2021; The Guardian, *Margaret Atwood joins writers calling for urgent action over missing Rwandan poet*, 7 February 2022.

¹⁷⁶ Human Rights Watch, *2023 World Report. Events of 2022*, 2022, pp. 514-515.

¹⁷⁷ Freedom House, *Out of sight, not out of reach, The global scale and scope of transnational repression. Case study Rwanda*, February 2022, p. 23; Confidential source, February 2023; Confidential source, February 2023.

¹⁷⁸ Human Rights Watch, *2020 World report. Events of 2019*, 2020, p. 484; US Department of State, *2021 country report on human rights practices*, Rwanda, 2022, pp. 13-14; Zembla, *The long arm of Rwanda*, 12 September 2022.

¹⁷⁹ US Department of State, *2021 country report on human rights practices*, Rwanda, 2022, pp. 13-14; Freedom House, *Out of sight, not out of reach, The global scale and scope of transnational repression. Case study Rwanda*, February 2022, p. 24; Zembla, *The long arm of Rwanda*, broadcast 15 September 2022.

¹⁸⁰ Freedom House, *Out of sight, not out of reach, The global scale and scope of transnational repression. Case study Rwanda*, February 2022, p. 26; US House of Representatives, *Testimony of Major, Robert Higiho: Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations*, 27 September 2017.

¹⁸¹ Human Rights Watch, *2019 World report. Events of 2018*, 2019, pp. 493-494; Confidential source, March 2023.

¹⁸² OCCRP, *Rwanda Fed False Intelligence to U.S. and Interpol As It Pursued Political Dissidents Abroad*, 4 November 2022.

2.7.1.4 Family members

A *Freedom House* report cited intimidation and harassment of family members as one form of cross-border repression by Rwandan authorities. Almost all of the sources *Freedom House* spoke to for the report mentioned this.¹⁸³ In 2017, Violette Uwamahoro disappeared for a fortnight while on a family visit to Rwanda.¹⁸⁴ Uwamahoro was the wife of Faustin Rukundo, a UK-based member of the RNC, who was also a target of Pegasus spyware (see also section 2.8.3).¹⁸⁵ Rukundo's wife was found to have spent the two weeks in police custody. She and a cousin who was a police officer were subsequently charged with, among other things, releasing state secrets. The woman was eventually released on bail for lack of evidence.¹⁸⁶ In another case, two brothers of Noel Zihabamwe, a native of Australia, disappeared in 2019. According to Zihabamwe, his brothers disappeared a month after he refused to monitor the diaspora in Australia on behalf of the Rwandan authorities.¹⁸⁷

Several confidential sources indicated that intimidation and harassment of family members certainly occurred, but not on a large scale.¹⁸⁸ According to a confidential source, it particularly affected persons who were conducting opposition politics from abroad.¹⁸⁹

2.8 Influence of Rwandan authorities abroad

This section discusses the influence of Rwandan authorities abroad. For treatment of returnees, see section 3.6.

2.8.1 Government policy diaspora

The Rwandan authorities actively tried to involve the diaspora and bring them back to Rwanda. Rwandans who had studied abroad were encouraged to contribute their knowledge and experience to their country of origin. The Rwandan Ministry of Foreign Affairs had a directorate responsible for the diaspora.¹⁹⁰ Rwanda had an annual programme for

¹⁸³ *Freedom House, Out of sight, not out of reach, The global scale and scope of transnational repression. Case study Rwanda*, February 2022, p. 25.

¹⁸⁴ *Freedom House, Out of sight, not out of reach, The global scale and scope of transnational repression. Case study Rwanda*, February 2022, p. 25; Amnesty International, *2017 Annual report*, 2018, p. 316; Financial Times, *Inside the WhatsApp hack: how an Israeli technology was used to spy*, 30 October 2019.

¹⁸⁵ Financial Times, *Inside the WhatsApp hack: how an Israeli technology was used to spy*, 30 October 2019.

¹⁸⁶ *Freedom House, Out of sight, not out of reach, The global scale and scope of transnational repression. Case study Rwanda*, February 2022, p. 25; Amnesty International, *2017 Annual report*, 2018, p. 316; BBC News, *Violette Uwamahoro: Rwanda court releases UK woman*, 27 March 2017.

¹⁸⁷ *Freedom House, Out of sight, not out of reach, The global scale and scope of transnational repression. Case study Rwanda*, February 2022, p. 25; ABC, *Murder and abduction claims have Rwandan government accused of intimidating critics in Australia*, 18 October 2020; Amnesty International, *2017 Annual report*, 2018, p. 316; US Department of State, *2021 country report on human rights practices*, Rwanda, 2022.

¹⁸⁸ Confidential source, February 2023; Confidential source, February 2023; Confidential source, February 2023.

¹⁸⁹ Confidential source, February 2023.

¹⁹⁰ Confidential source, February 2023.

students who studied abroad and returned for their holidays. This programme offered classes on history, economics, ideology,^{Kinyarwanda191} and in some cases, a week-long military training.¹⁹² Every year on 5 October - *Rwanda Day* - President Kagame met in person with the Rwandan diaspora in countries and cities with a large Rwandan community.

The purpose of these meetings, according to the president himself, was "to tell Rwandans what is expected of them and to let them tell what they expect from Rwanda".¹⁹³

In 2018, the International Organisation for Migration (IOM) worked with Rwandan authorities to map the Rwandan diaspora in the UK, Belgium, Germany and the Netherlands. The aim of this exercise was 'to understand the socio-economic profiles of members of the diaspora, their skills and expertise, and their motivation to participate in Rwanda's development'.¹⁹⁴

According to a confidential source, Rwandan authorities were open to the new knowledge and ideas brought by the returning diaspora, as long as they were used to build the country.¹⁹⁵

2.8.2 Informant networks

The Rwandan state was also dominated by the Rwandan security apparatus during this reporting period. Public and confidential sources reported that the Rwandan authorities were conducting widespread surveillance of the diaspora and in some cases were also operating abroad.¹⁹⁶

One way of monitoring the diaspora was through a network of informants.¹⁹⁷ According to several sources, Rwandan embassies and diaspora organisations were used for this purpose.¹⁹⁸ Rwandans abroad were pressurised to spy on the diaspora for the Rwandan authorities. There were reports of Rwandans abroad taking an oath of allegiance to the Rwandan government at the Rwandan embassy.¹⁹⁹ According to several confidential sources, Rwandans abroad were pressured to join a diaspora organisation,

¹⁹¹ Kinyarwanda is the common language of all the peoples of Rwanda and, alongside English and French, one of the official languages of Rwanda

¹⁹² Jeune Afrique, *Rwanda - Paul Kagame : " Nous sommes allés au-delà de l'imaginable "*, 1 April 2019.

¹⁹³ Jeune Afrique, *Le Rwanda Day, vitrine du pays de Paul Kagame auprès de la diaspora*, 7 October 2019.

¹⁹⁴ IOM Rwanda, *Diaspora mapping information sheet*, September 2018, p. 4; Confidential source, February 2023.

¹⁹⁵ Confidential source, February 2023.

¹⁹⁶ Freedom House, *Out of sight, not out of reach, The global scale and scope of transnational repression. Case study Rwanda*, February 2022, p. 23; ABC, *Spies in our suburbs*, 24 August 2019; Confidential source, February 2023; Confidential source, February 2023; Confidential source, February 2023; Confidential source, February 2023.

¹⁹⁷ Zembla, *The long arm of Rwanda*, broadcast 15 September 2022; ABC, *Murder and abduction claims have Rwandan government accused of intimidating critics in Australia*, 18 October 2020; ABC, *Spies in our suburbs*, 24 August 2019; Confidential source, February 2023; Confidential source, 10 February 2023.

¹⁹⁸ Zembla, *The long arm of Rwanda*, broadcast 15 September 2022; Freedom House, *Out of sight, not out of reach, The global scale and scope of transnational repression. Case study Rwanda*, February 2022, p. 26; Human Rights Watch, *2022 World report. Events of 2021, 2022*, pp. 565-566; Confidential source, February 2023.

¹⁹⁹ Freedom House, *Out of sight, not out of reach, The global scale and scope of transnational repression. Case study Rwanda*, February 2022, p. 26; Andrew Harding, "The Loyalty Oath Keeping Rwandans Abroad in Check," British Broadcasting Corporation, 18 November, 2020, transcript on LexisNexis; ABC, *Spies in our suburbs*, 24 August 2019; ABC, *Murder and abduction claims have Rwandan Government accused of intimidating critics in Australia*, 18 October 2020; US House of Representatives, Testimony of Major, Robert Higiyo: Subcommittee on Africa, Global Health, Global Human Rights, and International Organisations, 27 September 2017.

for example, when they needed a service from the Rwandan embassy.²⁰⁰ A confidential source stated that much more than society in Rwanda itself, the diaspora remained very divided: ethnicity mattered more outside Rwanda, as did whether one was for or against the Rwandan authorities. This distinction made itself felt in who registered with the embassy and who did not.²⁰¹ Another confidential source said he knew of individuals in Kenya, the United States and France who had refused to join a diaspora organisation and were subsequently monitored by the Rwandan authorities.²⁰² According to Freedom House sources, speaking to fellow Rwandans who were in the negative eye of the Rwandan authorities was already seen as a risk.²⁰³

2.8.3 *Spyware*

Several public and confidential sources reported on the use of spyware by the Rwandan authorities. In 2019, *The Financial Times* reported that a hack of the messaging app WhatsApp had made it possible to install the spyware Pegasus on mobile phones undetected through that service. This spyware allowed access to phone users' personal data, such as encrypted messages and locations. According to the newspaper, it could not be determined by which countries this spyware was installed, but internal research by WhatsApp revealed that the list of numbers spied on included a large number of Rwandans.²⁰⁴ In July 2021, *Amnesty International* and the journalist network *Forbidden Stories* published their analysis of a leak of over fifty thousand phone numbers of potential targets of Pegasus. This would show that more than 3,500 activists, journalists, domestic and foreign politicians and diplomats inside and outside Rwanda had been identified as potential spyware targets by the Rwandan authorities since 2016.²⁰⁵

Identified targets included members of the UDF-Inkingi, of the RNC and relatives of the likes of Karegeya and Rusesabagina. Several other sources reported warnings by European security services to residents of Rwandan origin and spyware being found on phones, including from a European journalist married to a Rwandan reporting on Rwanda, and a European minister.²⁰⁶

2.8.4 *Feeding false information*

²⁰⁰ Confidential source, February 2023; Confidential source, February 2023.

²⁰¹ Confidential source, February 2023.

²⁰² Confidential source, February 2023.

²⁰³ Freedom House, *Out of sight, not out of reach, The global scale and scope of transnational repression. Case study Rwanda*, February 2022, p. 22.

²⁰⁴ Financial Times, *Inside the WhatsApp hack: how an Israeli technology was used to spy*, 30 October 2019; Human Rights Watch, *2020 World report. Events of 2019, 2020*, p. 485.

²⁰⁵ Amnesty International, *Pegasus Project: Rwandan authorities chose thousands of activists, journalists and politicians to target with NSO spyware*, 19 July 2021; OCCRP, *Who's on the list - The Pegasus project*, [Who's on the List - The Pegasus Project | OCCRP, accessed 16 April 2023](#).

²⁰⁶ Freedom House, *Out of sight, not out of reach, The global scale and scope of transnational repression. Case study Rwanda*, February 2022, p. 25; Zembla, *The long arm of Rwanda*, broadcast 15 September 2022; Amnesty International, *2021 Annual report*, 2022, p. 315; Financial Times, *Inside the WhatsApp hack: how an Israeli technology was used to spy*, 30 October 2019; Freedom House, *Out of sight, not out of reach, The global scale and scope of transnational repression. Case study Rwanda*, February 2022, p. 22; Human Rights Watch, *2020 World report. Events of 2019, 2020*, p. 485; Human Rights Watch, *2022 World Report, Events of 2021, 2021*, pp. 565-566; Confidential source, February 2023; Confidential source, February 2023.

According to a report by the *Organised Crime and Corruption Research Project (OCCRP)*, Rwandan security forces allegedly fed false information to US authorities about residents of Rwandan origin for years. This was allegedly revealed in a confidential document from the US *Federal Bureau of Investigation (FBI)*. The FBI's own investigations allegedly showed allegations by Rwandan authorities that certain members of the Rwandan opposition RNC party had links to anti-Rwandan groups in Central Africa to be unfounded.²⁰⁷ There were also reports of unsubstantiated or politically motivated arrest warrants. For example, Interpol allegedly revoked an arrest warrant against Eugene Gasana. In 2018, German courts ruled that there was insufficient evidence against Enoch Ruhigira, a former associate of President Habyarimana. Ruhigira had been arrested on the basis of an arrest warrant issued by Rwanda. He was not deported to Rwanda.²⁰⁸

2.8.5 *Harassment, disappearances, murders abroad*

Repression by the Rwandan authorities of critics, opponents and dissidents was transnational.²⁰⁹ According to *Freedom House*, between 2014 and 2022, Rwandans were targets of physical attacks by representatives of the Rwandan authorities in at least seven countries, including in the DRC and Kenya, South Africa, the United Arab Emirates and Germany.²¹⁰

Examples from the reporting period of active intervention abroad by the Rwandan authorities were the abductions of Paul Rusesabagina in 2020 and - presumably - of Cassien Ntamuhanga in 2021 (see also paragraphs 2.1 and 2.5).

In February 2021, Seif Bamporiki, a member of the opposition RNC party, was assassinated in South Africa. According to other members of the party, the Rwandan authorities were responsible for this. South African authorities indicated that it could also have been a criminal robbery.²¹¹

In September 2021, former army officer Révocat Karemangingo was shot dead in Mozambique under unclear circumstances.²¹² Karemangingo had been an officer in the FAR, the army that had directed the 1994 genocide. According to reports, the attackers drove two cars into Karemangingo's car and then shot him six times. According to members of the diaspora, Karemangingo is said to have survived an attempt on his life back in 2016.²¹³

²⁰⁷ OCCRP, *Rwanda Fed False Intelligence to U.S. and Interpol As It Pursued Political Dissidents Abroad*, 4 November 2022.

²⁰⁸ JusticeInfo.net, *Retour sur l'arrest à la demande du Rwanda, en Allemagne, d'Enoch Ruhigira, ex-director de cabinet du président Juvénal Habyarimana*, 17 October 2016; Confidential source, March 2023.

²⁰⁹ US Department of State, *2022 country report on human rights practices*, Rwanda, 2023, p. 11; Freedom House, *Out of sight, not out of reach, The global scale and scope of transnational repression. Case study Rwanda*, February 2022, pp. 22-23; Zembla, *The long arm of Rwanda*, broadcast 15 September 2022; ABC, *Murder and abduction claims have Rwandan government accused of intimidating critics in Australia*, 18 October 2020; ABC, *Spies in our suburbs*, 24 August 2019.

²¹⁰ Freedom House, *Out of sight, not out of reach, The global scale and scope of transnational repression. Case study Rwanda*, February 2022, p. 22.

²¹¹ US Department of State, *2021 country report on human rights practices*, Rwanda, 2022, pp. 13-14; US Department of State, *2022 country report on human rights practices*, Rwanda, 2023, p. 11; BBC News, *Rwandan Seif Bamporiki killed in South Africa*, 22 February 2021.

²¹² Human Rights Watch, *2022 World report. Events of 2021*, 2022, pp. 565-566; US Department of State, *2021 country report on human rights practices*, Rwanda, 2022, pp. 13-14.

²¹³ BBC News, *Rwandan ex-army officer gunned down in Mozambique*, 14 September 2021; US Department of State, *2021 country report on human rights practices*, Rwanda, 2022, pp. 13-14.

Many countries such as Belgium, the United States, the United Kingdom, Canada, Sweden, Australia and South Africa were aware of transnational repression by the Rwandan authorities and in some cases warned residents of Rwandan origin in their countries.²¹⁴

2.9 Victoire Ingabire

2.9.1 *Conviction Ingabire*

Victoire Ingabire is a Rwandan politician. She was in the Netherlands at the time of the 1994 genocide and decided to stay.²¹⁵ In January 2010, she returned to Rwanda after 16 years in exile, with the aim of registering her party FDU-Inkingi ahead of the presidential elections in August 2010.²¹⁶ On the day of her return, she laid a wreath at the genocide memorial and stated that she hoped that the perpetrators of crimes against the Hutu in 1994 would also be brought to justice. On 21 April that year, she was arrested and released on bail a day later.²¹⁷ She was arrested again in October 2010.²¹⁸

At Rwanda's request, Dutch police searched Ingabire's house in Zevenhuizen in December 2010. The seized items, including documents related to remittances to the DRC, were handed over to the Rwandan authorities.²¹⁹ In 2011, Ingabire was charged in Rwanda with terrorist activities, genocidal ideology, divisionism²²⁰ and sedition and sentenced to eight years in prison in October 2012. In late 2013, the Supreme Court upheld the conviction and increased the sentence to 15 years.²²¹

2.9.2 *Ingabire release*

In November 2017, the African Court on Human and Peoples' Rights ruled that Ingabire's conviction was "unnecessary" in a democracy. The court also stated that even if it had accepted that Ingabire's statements deserved curtailment, the punishment imposed by the Rwandan court was disproportionate to the offence. The court instructed the Rwandan authorities to

²¹⁴ Freedom House, *Out of sight, not out of reach, The global scale and scope of transnational repression. Case study Rwanda*, February 2022, p. 26; Zembla, *The long arm of Rwanda*, broadcast 15 September 2022; ABC, *Murder and abduction claims have Rwandan Government accused of intimidating critics in Australia*, 18 October 2020; OCCPR, *Rwanda Fed False Intelligence to U. S. and Interpol As It Pursued Political Dissidents Abroad*, 4 November 2022; Confidential source, February 2023.

²¹⁵ NRC Handelsblad, *A Rwandan politician in Zevenhuizen*, 17 September 2018.

²¹⁶ Amnesty International, *The State of the World's Human Rights - Rwanda*, 23 May 2013; BBC Monitoring, *Rwanda's Victoire Ingabire among freed Kagame critics*, 15 September 2018; Nederlands Dagblad, *Rwandan resident releases politician Ingabire*, 17 September 2018; Ministry of Foreign Affairs, *Thematic official report Rwanda*, 18 August 2016, pp. 27, 51.

²¹⁷ Jeune Afrique, *Rwanda, Arrestation de l'opposante Victoire Ingabire*, 21 April 2010.

²¹⁸ Le Monde Afrique, *L'Opposante Rwandaise Victoire Ingabire arrêtée à Kigali*, 14 October 2010.

²¹⁹ NRC, *Rwanda tries Hutu politician; m/f in news Victoire Ingabire*, 5 September 2011; NRC Handelsblad, *A Rwandan politician in Zevenhuizen*, 17 September 2018.

²²⁰ The term divisionism refers to Law No 47/2001 of December 2001 instituting punishment for offences of discrimination and sectarianism, which criminalises discrimination and sowing divisions.

²²¹ Amnesty International, *The State of the World's Human Rights - Rwanda*, 23 May 2013; BBC Monitoring, *Rwanda's Victoire Ingabire among freed Kagame critics*, 15 September 2018; Nederlands Dagblad, *Rwandan resident releases politician Ingabire*, 17 September 2018; Ministry of Foreign Affairs, *Thematic official report Rwanda*, 18 August 2016, pp. 27, 51.

to rule in favour of Ingabire within six months.²²² The Rwandan authorities complained of 'politicisation' of the Court and refused to implement its ruling. According to her lawyer, Ingabire's detention conditions worsened after the African Court ruling: she was no longer allowed to speak to her family members.²²³

In 2018, Ingabire was released along with more than 2,000 other prisoners as part of a presidential pardon.²²⁴ However, she was not allowed to leave Rwanda without permission from the Rwandan authorities, and applications to do so were denied several times.²²⁵ According to Human Rights Watch, in 2020, the RIB repeatedly searched her home, confiscating property. Ingabire also had to report regularly for interrogations.²²⁶

2.9.3 *Ingabire establishes new party*

In 2019, Ingabire left FDU-Inkingi after leading that party for 13 years, and founded a new party, DALFA-Umurinzi.²²⁷ FDU-Inkingi was part of a coalition of five Rwandan opposition movements, Platform P5. Ingabire left FDU-Inkingi after members of other movements in this platform committed an armed attack from DRC on the Rwandan tourist town of Kinigi, in which 14 people were killed.²²⁸ According to a *BBC Monitoring* article, political analysts saw this move by Ingabire as a way to avoid accountability for the armed actions of the P5 groups.²²⁹

2.9.4 *Political influence Ingabire*

According to confidential sources, Ingabire is seen in Rwanda as someone who polarises and engages in opposition politics without much substance, which does not make her particularly popular with either the authorities or large sections of the population.²³⁰ Her limited popularity, combined with the fact that she is internationally known, could explain why, while she is not free to leave the country, she is also no longer in prison (see also section 2.9.2).²³¹

²²² African Court on Human and People's Rights, *In the matter of Ingabire Victoire Umuhoza vs the Republic of Rwanda*, application 003/2014, 27 November 2017, § 162.

²²³ RFI, *Le Rwanda refuse de rétablir Victoire Ingabire dans ses droits*, 29 May 2018.

²²⁴ Deutsche Welle, *Rwandan opposition figure Victoire Ingabire seeks reconciliation in her homeland*, 4 September 2022; BBC Monitoring, *Rwanda attack: Opposition leader Victoire Ingabire summoned*, 8 October 2019; BBC Monitoring, *Rwanda's Victoire Ingabire among freed Kagame critics*, 15 September 2018; Nederlands Dagblad, *Rwandan president releases politician Ingabire*, 17 September 2018.

²²⁵ Al Jazeera, *My story: Being an opposition figure in Rwanda*, 20 April 2022; Associated Press, *Rwanda opposition leader says she was barred from travelling*, 6 December 2019.

²²⁶ Human Rights Watch, *2021 World report. Events of 2020*, 2021, p. 573.

²²⁷ BBC Monitoring, *Rwanda links opposition figure to ethnic recruitment*, 13 May 2019; BBC Monitoring, *Rwanda attack: Opposition leader Victoire Ingabire summoned*, 8 October 2019; BBC Monitoring, *Rwandan opposition leader decamps and forms new party*, 11 November 2019.

²²⁸ Infos Grands Lacs, *FDLR was behind Musanze attack which killed 14 people*, 7 October 2019.

²²⁹ BBC Monitoring, *Rwanda links opposition figure to ethnic recruitment*, 13 May 2019; BBC Monitoring, *Rwanda attack: Opposition leader Victoire Ingabire summoned*, 8 October 2019; BBC Monitoring, *Rwandan opposition leader decamps and forms new party*, 11 November 2019.

²³⁰ Confidential source, February 2023; Confidential source, February 2023.

²³¹ Confidential source, February 2023; Confidential source, February 2023.

2.10 (Inter)national organisations

Rwanda has had several laws regulating the registration and operation of national, international and religious non-governmental organisations since 2012.²³² According to confidential sources, the Rwandan authorities had announced a review of that legislation since 2019, but the process was not transparent and civil society organisations were not aware of developments.²³³

According to confidential sources, national and international NGOs were generally able to operate fine when it came to service provision; human rights organisations generally had a more difficult time.²³⁴ The authorities imposed labour-intensive registration procedures.²³⁵ Several organisations, including Human Rights Watch, had major problems obtaining work permits.²³⁶ Some were denied entry to Rwanda as a result. A Rwandan consultant working for Human Rights Watch was arbitrarily detained for six days in 2018, the first 12 hours of which were incommunicado.²³⁷ Obtaining work visas for foreigners working for international NGOs also depended on whether the position could be filled by Rwandans.²³⁸ According to another confidential source, the main purpose of the policy for the Rwandan authorities was to stay well informed about what international organisations were doing in Rwanda.²³⁹

2.11 Free movement between Rwanda and Uganda

On 31 January 2022, Rwanda reopened the border crossing with Uganda in the town of Gatuna after it had been closed for three years. Rwanda had closed the border in February 2019 after accusing Uganda of supporting Rwandan rebels seeking to overthrow President Kagame's regime.²⁴⁰ The border remained closed during the Covid-19 crisis.²⁴¹

Under the Common Market Protocol, citizens of member states of the *East African Community* (EAC)²⁴² must be able to travel between member states using a machine-readable national identity card. Uganda and Rwanda were the only countries to issue identity cards that met the requirements.²⁴³

²³² Law N°04/2012 of 17/02/2012 governing the organisation and functioning of national non governmental organisations; Law N°05/2012 of 17/02/2012 governing the organisation and functioning of international non governmental organisations; Law 06/2012 of 17/02/2012 determining organisation and functioning of religious-based organisations.

²³³ Confidential source, February 2023; Confidential source, May 2023.

²³⁴ US Department of State, 2022 country report on human rights practices, Rwanda, 2023, pp. 22-23; Confidential source, March 2023; Confidential source, February 2023; Confidential source, March 2023.

²³⁵ US Department of State, 2022 country report on human rights practices, Rwanda, 2023, pp. 22-23; Bertelsmann Stiftung, Bertelsmann Stiftung, BTI 2022 Country report Rwanda, 2022, p. 26.

²³⁶ Human Rights Watch, 2019 World report. Events of 2018, 2019, p. 419; Confidential source, March 2023; Confidential source, April 2023.

²³⁷ Human Rights Watch, 2019 World report. Events of 2018, 2019, p. 419; Confidential source, March 2023; Confidential source, March 2023.

²³⁸ Confidential source, February 2023; Confidential source, April 2023.

²³⁹ Confidential source, March 2023.

²⁴⁰ Deutsche Welle, Rwanda reopens land border with Uganda, 31 January 2022.

²⁴¹ Confidential source, April 2023.

²⁴² EAC member states are Burundi, DRC, Kenya, Uganda, Rwanda, Tanzania and South Sudan.

²⁴³ Caroline Kago and Wanyama Wasinde, Free Movement of Workers in the EAC, 7 December 2022, p. 348.

According to a confidential source, Rwandan authorities discouraged Rwandans from crossing the border into Uganda by demanding PCR tests from people leaving Rwanda. Uganda did not ask for such tests. Foreigners who wanted to settle in Rwanda had to have a job and provide a guarantee declaration from the employer to the Rwandan authorities. It was easier for Rwandans to settle in Uganda.²⁴⁴

²⁴⁴ Confidential source, February 2023.

3 Legal process in the criminal justice system

3.1 Developments in the judiciary

3.1.1 Regular jurisdiction

Regular criminal proceedings in Rwanda have five courts, namely *primary courts*, *intermediate courts*, *high court*, *court of appeal* and *supreme court*. There are also specialised courts, such as military and commercial courts. The jurisdiction of the courts is determined by law.²⁴⁵

Rwanda has 41 primary courts dealing with both civil and criminal cases. The 12 intermediate courts deal with civil, criminal and administrative law and can hear appeals from the primary courts. The high court is based in Kigali and has five chambers across the country; the fifth chamber of the high court is the specialised chamber for international crimes.²⁴⁶ This specialised chamber moved from Kigali to Nyanza in 2018.²⁴⁷

In 2018, Rwanda set up the *court of appeal* to hear appeals from the high court (including the specialised chamber for international crimes), the *high commercial court* and the *high military court*.²⁴⁸ This was intended to relieve the burden on the *supreme court* and allow for the elimination of backlogs.²⁴⁹ In practice, the possibility of appeals also actually led to more burden on and greater backlogs in the administration of justice.²⁵⁰

In the second half of 2022, two major policy reforms for the justice sector were presented that aimed to address prison and judicial overload. The first concerned encouraging the use of alternative forms of conflict resolution, such as more traditional forms of mediation²⁵¹ but also court-related

²⁴⁵ N°30/2018 of 02/06/2018 Law determining the jurisdiction of courts.

²⁴⁶ Government of Rwanda website, Judiciary, [Government of Rwanda: Judiciary \(www.gov.rw\)](http://www.gov.rw), accessed 23 March 2023.

²⁴⁷ The New Times, *The international crimes High Court chamber inaugurated in Nyanza*, 29 June 2018; International Commission of Jurists, *Monitoring report Jean Baptiste M., December 2019-February 2020*, § 20.

²⁴⁸ Rwanda judiciary website, *Court of Appeal*, [Court of Appeal \(judiciary.gov.rw\)](http://judiciary.gov.rw), accessed 23 March 2023.

²⁴⁹ The New Times, *Judicial reforms to reduce case backlog - Chief Justice*, 29 July 2018; Confidential source, February 2023.

²⁵⁰ Confidential source, December 2022.

²⁵¹ Mediation by village elders was the way local communities settled disputes for centuries in Rwanda. After the genocide, this form of traditional justice was also widely used to handle hundreds of thousands of genocide cases. The *gacaca* courts now no longer exist, but since 2004, especially in rural areas, the *abunzi* have continued to be used. The *abunzi* ('those who reconcile') are mediators elected by the local community who are used for smaller disputes. So while Rwanda was very familiar with traditional forms of mediation, in practice they were used to a very limited extent because Rwandan society had increasingly come to rely on Western legal systems since colonisation. Source: confidential source, December 2022.

mediation. The intention was that this would specifically address issues such as reconstruction and trauma.²⁵²

The second reform aimed to combat prison overcrowding through: alternative forms of punishment, such as electronic ankle bracelets or community service; the use of bail; the abolition of minimum and mandatory sentences and more freedom for the judge to judge whether there are mitigating or aggravating circumstances; the separation of convicted and accused prisoners. Both reforms require additional legal adjustments and mediation requires training professionals. Therefore, nothing could yet be said about the impact of the policy.²⁵³ Since the cabinet agreed to the reforms, several thousand prisoners have been released on bail. It also experimented with negotiating sentence reductions in exchange for a guilty plea since October 2022. According to a confidential source, there were risks associated with this, especially for the high numbers of young defendants, who regularly appear before a judge without the intervention of a lawyer or without knowledge of the facts and then cannot fully grasp exactly what pleading guilty means for them.²⁵⁴

3.1.1.1 Regular courts and genocide cases

Principal suspects²⁵⁵ of acts of genocide and war crimes in the period between 1 October 1990 and 31 December 1994 are under the jurisdiction of intermediate courts, and all other genocide suspects under the jurisdiction of primary courts.²⁵⁶

3.1.2 Military courts

There were no reports of developments regarding the military courts.

Rwanda has a military court of first instance (*military tribunal at 1st instance*) and a military court of appeal (*military high court at appeal level*). The military prosecution (*military prosecution or auditorat militaire*) is under the Ministry of Defence; the judges are under the high court, but are military personnel. Military courts had jurisdiction over all crimes committed by the military²⁵⁷, including genocide.²⁵⁸ Former FAR officer Henri Jean Claude Seyoboka, expelled by Canada in 2016, was tried by a military court

²⁵² Rwanda Ministry of Justice, *Alternative Dispute Resolution policy*, September 2022, [index.php \(risa.rw\)](#), accessed 28 March 2023; Confidential source, December 2022; Confidential source, February 2023.

²⁵³ Rwanda Ministry of Justice, *Criminal justice policy*, September 2022, [index.php \(risa.rw\)](#), accessed 28 March 2023; Confidential source, December 2022; Confidential source, February 2023.

²⁵⁴ Confidential source, December 2022.

²⁵⁵ Lead perpetrators are defined in the law as: a) a person who has committed crimes that place him/her in the category of masterminds, planners instigators, supervisors, and leaders of genocide or other crimes against humanity with his/her accomplices; or b) a person who at that time (during the 1994 genocide) was part of administrative bodies at the national or prefectural level and his/her accomplices. Source: N°30/2018 of 02/06/2018 Law determining the jurisdiction of courts, article 29.

²⁵⁶ N°30/2018 of 02/06/2018 Law determining the jurisdiction of courts, articles 26, 29 and 42; Confidential source, February 2023.

²⁵⁷ [MOD: Military Justice System](#); US Department of State, *2021 country report on human rights practices*, Rwanda, 2022, p. 12; Confidential source, February 2023.

²⁵⁸ The New Times, *Genocide convict Seyoboka appeals against life sentence at Military High Court*, 31 May 2021.

tried.²⁵⁹ According to US human rights reporting, the military continued to regularly try military personnel and former military personnel. This involved imprisonment and fines. Defendants had the same rights in military courts as in ordinary courts, including the right to appeal. In practice, defendants often did not have access to legal aid, both due to the cost of a lawyer and because of the unwillingness of lawyers to take on cases involving state security.²⁶⁰

3.1.3 ICTR

When the ICTR ended its operations on 31 December 2015, some suspects were handed over to the Rwandan authorities. The IRMCT (see also section 1.5.1) took over the remaining work from the ICTR, including managing the archives and tracing fugitive suspects.²⁶¹ On 16 May 2020, the fugitive Félicien Kabuga was arrested in France. With the establishment of the IRMCT, it was intended that the cases of Kabuga and two other fugitives would also be tried, namely Augustin Bizimana and Protais Mpiranya. However, the deaths of Bizimana and Mpiranya were confirmed by the IRMCT in 2022 and 2020 respectively.²⁶² This made Kabuga the only case the IRMCT was still supposed to try. His arrest was the joint work of the French authorities and the prosecutor of the IRMCT. In October 2020, Kabuga was transferred by the French authorities to the Hague branch of the IRMCT; there, judges ruled that Kabuga would be better tried in The Hague than in Arusha for health reasons.²⁶³ The trial started in September 2022 and was temporarily held in 2023 for an independent medical examination.²⁶⁴

One of the last four fugitive suspects whose cases the ICTR had handed over to Rwanda, Fulgence Kayishema, was arrested in South Africa on 26 May 2023.²⁶⁵

3.2 Gacaca archives

Rwanda worked on digitising the gacaca archives. This digitisation had two objectives, namely to secure the documents so that they could not be lost to fire or other types of degradation, and to increase the accessibility of the archives. The digitisation of the approximately 50 million documents from the gacaca archives was accomplished during the reporting period. However, each document had yet to be linked to a suspect, district, sector or *cellule*.²⁶⁶ Due to the COVID-19 pandemic, this indexing and

²⁵⁹ The New Times, *Military court to start hearing witnesses in Seyoboka Genocide case*, 9 February 2018; The New Times, *Genocide convict Seyoboka appeals against life sentence at Military High Court*, 31 May 2021.

²⁶⁰ US Department of State, *2021 country report on human rights practices*, Rwanda, 2022, p. 12.

²⁶¹ Ministry of Foreign Affairs, *Thematic official report Rwanda*, August 2016, pp. 34-35.

²⁶² [MPIRANYA, Protais \(MICT-12-02\) | UNITED NATIONS | International Residual Mechanism for Criminal Tribunals \(irmct.org\)](#); [DECEASED - BIZIMANA, Augustin \(MICT-13-39\) | UNITED NATIONS | International Residual Mechanism for Criminal Tribunals \(irmct.org\)](#), both accessed 30 May 2023.

²⁶³ International Residual Mechanism for Criminal Tribunals, [KABUGA, Félicien \(MICT-13-38\) | UNITED NATIONS | International Residual Mechanism for Criminal Tribunals \(irmct.org\)](#), accessed 15 March 2023.

²⁶⁴ ABC News, *Trial of Rwandan genocide suspect Felicien Kabuga suspended over dementia claims*, 11 March 2023; Confidential source, April 2023.

²⁶⁵ Jeune Afrique, *Génocide des Tutsi au Rwanda: Fulgence Kayishema arrêté en Afrique du Sud*, 27 May 2023; BBC News, *Fulgence Kayishema: Rwandan accused of killing 2,000 in church arrested*, 26 May 2023.

²⁶⁶ Cellules are geographical units in Rwanda.

making the documents accessible, however, was delayed.²⁶⁷ According to an article in the local press, Rwandan authorities indicated that this would result in the archives becoming public in 2024.²⁶⁸ In the meantime, access to the archives was limited.²⁶⁹

3.3 Transfer Law

3.3.1 Safeguards

For the purposes of the ICTR's transfer of suspects to Rwanda and their trial there, the tribunal demanded certain guarantees regarding the judicial process in Rwanda. To meet this, Rwanda had abolished the death penalty in 2007 and adopted the *Transfer Law*²⁷⁰. This law, revised in 2013, sets out certain guarantees regarding the judicial process and conditions of detention in Rwanda for suspects to be extradited and for people whose criminal proceedings are transferred.²⁷¹ According to Article 3 of this law, the Transfer Law applies to the transfer by the ICTR or other states to Rwanda of legal cases related to the 1994 genocide and other crimes against humanity.²⁷² The law also applies to other (non-genocide-related) legal cases when there is a transfer of prosecutions from states to Rwanda and in cases where Rwanda requests the extradition of suspects.²⁷³ The Transfer Law applies to all extraditions and transfers; the law does not specify that states must actively invoke the Transfer Law.

In case of inconsistencies between the Transfer Law and other laws, the Transfer Law prevails. Unless the Transfer Law contains specific provisions, the Rwandan Penal Code also applies to extradited suspects.²⁷⁴

A non-exhaustive list of safeguards under the Transfer Law is described below. These safeguards apply only to suspects extradited under this law, which leads to a different treatment of suspects than under regular Rwandan criminal law.²⁷⁵ Extraditing states may choose to negotiate additional safeguards in addition to the Transfer Law when making an extradition.

²⁶⁷ Aegis, *Project proposal. Completion of Gacaca archive project*, March 2022.

²⁶⁸ Africa Press, *Public to access digitised Gacaca archives in 2024*, 25 February 2022.

²⁶⁹ Confidential source, April 2023.

²⁷⁰ The previous 2016 thematic official report referred to an extradition law. In this official report, we chose to use the English name of the law, as it is the most familiar.

²⁷¹ Liking Ng, *The Transfer Cases of the ICTR to the Republic of Rwanda: The challenges of implementing Rule 11a*, May 2014, p. II; Confidential source, February 2023; Confidential source, February 2023.

²⁷² Nowhere does it state that the extraditing country must actively invoke the Transfer Law. It is unclear whether the law automatically applies to all extradition cases. However, it is a choice of the extraditing country to appoint an independent observer; this is not automatic.

²⁷³ N° 09/2013/OL of 16/06/2013 Organic Law repealing the Organic Law n° 11/2007 of 16/03/2007 concerning the transfer of cases to the Republic of Rwanda from the International Criminal Tribunal for Rwanda and from other states, as modified and complemented to date, Article 3.

²⁷⁴ N° 09/2013/OL of 16/06/2013 Organic Law repealing the Organic Law n° 11/2007 of 16/03/2007 concerning the transfer of cases to the Republic of Rwanda from the International Criminal Tribunal for Rwanda and from other states, as modified and complemented to date, article 27.

²⁷⁵ Liking Ng, *The Transfer Cases of the ICTR to the Republic of Rwanda: The challenges of implementing Rule 11a*, May 2014, p. II; Confidential source, February 2023; Confidential source, February 2023.

3.3.1.1 Detention conditions

Article 26 of the Transfer Law sets minimum requirements for the detention conditions of suspects and convicts, referring to the UN Basic Principles for the Protection of All Persons in Any Form of Detention or Imprisonment.²⁷⁶ To meet these requirements, suspects and convicts were detained in special international wings of prisons.²⁷⁷ For more information on detention conditions under the Transfer Law, see section 4.1.1.7.

3.3.1.2 Legal aid

The Transfer Law guarantees the right to representation by a lawyer of one's own choice. If the accused has insufficient means to pay for legal assistance himself, the Transfer Law guarantees legal assistance paid for by the authorities.²⁷⁸ An application can be made for this purpose in Rwanda.²⁷⁹

3.3.1.3 Monitoring

In addition, if the extraditing country so chooses, their cases can be monitored by an independent observer whom the extraditing country may designate.²⁸⁰ According to a confidential source, individuals who were extradited and for whom the extraditing country had not designated an independent observer were also tried under the terms of the Transfer Law and detained in the international prison wings.²⁸¹

3.3.1.4 Jurisdiction

Suspects extradited under the Transfer Law were also under a different jurisdiction from other genocide suspects. Genocide suspects extradited under the Transfer Law - unlike other genocide suspects - were tried by the specialised international chamber of the high court. This is because the specialised international chamber of the high court has jurisdiction over transnational crimes such as terrorism, human trafficking, slavery, torture, crimes against humanity and war crimes. While genocide also falls under this court, with the important exception of acts of genocide and crimes against humanity committed in Rwanda between 1 October 1990 and 31 December 1994. For the latter genocide cases, the lower courts are normally the designated courts of first instance (see also section 3.1.1.1).²⁸²

²⁷⁶ [UN Body of Principles](#) for the Protection of all persons under any Form of Detention or Imprisonment, adopted by GA resolution 43/173, 9 December 1998.

²⁷⁷ *N° 09/2013/OL of 16/06/2013 Organic Law repealing the Organic Law n° 11/2007 of 16/03/2007 concerning the transfer of cases to the Republic of Rwanda from the International Criminal Tribunal for Rwanda and from other states, as modified and complemented to date*, article 26; Government of Rwanda website, The Judiciary, [Government of Rwanda: Judiciary \(www.gov.rw\)](#), accessed 8 March 2023; Confidential source, February 2023.

²⁷⁸ *Transfer Law N° 09/2013/OL of 16/06/2013 Organic Law repealing the Organic Law n° 11/2007 of 16/03/2007 concerning the transfer of cases to the Republic of Rwanda from the International Criminal Tribunal for Rwanda and from other states, as modified and complemented to date*, article 14.6.

²⁷⁹ International commission of Jurists, Monitoring Report Jean Claude I., November-December 2016, § 86.

²⁸⁰ *N° 09/2013/OL of 16/06/2013 Organic Law repealing the Organic Law n° 11/2007 of 16/03/2007 concerning the transfer of cases to the Republic of Rwanda from the International Criminal Tribunal for Rwanda and from other states, as modified and complemented to date*, article 21.

²⁸¹ Confidential source, March 2023.

²⁸² *N°30/2018 of 02/06/2018 Law determining the jurisdiction of courts*, articles 26, 29 and 42; Confidential source, February 2023.

Persons who voluntarily returned or were deported to Rwanda (and thus in principle did not fall under the Transfer Law) and were arrested by the Rwandan authorities on suspicion of international crimes other than genocide were tried by the specialised international chamber²⁸³ but were not eligible for detention in the international wings of Mageragere²⁸⁴ or Nyanza prisons²⁸⁵ (see also section 4.1.1.7).²⁸⁶

3.3.1.5 Witness protection

The Transfer Law allows courts to provide witness protection to witnesses in Transfer Law cases.²⁸⁷

3.3.2 *Transfer law and penalty measures*

The Penal Code's sentencing guidelines described in section 3.8 apply in full to all suspects, including those extradited to Rwanda through the Transfer Law.²⁸⁸ According to a confidential source, during the reporting period, the Transfer Law did not result in a difference in sentences imposed compared to cases to which the Transfer Law did not apply.²⁸⁹

3.3.3 *Transfer law and evictions*

Transfer Law in principle does not apply to returnees (both voluntary and forced) who have not been extradited to Rwanda. In principle, they receive the same treatment as persons who never left Rwanda. If they are arrested on suspicion of genocide, their cases fall under the regular courts (i.e. not the specialised international chamber of the High Court, see also section 3.1.1.1). They are also not eligible for detention in the international wings.²⁹⁰

An exception was the case of Léon Mugesera, for whom it had been stipulated by Canada at the time of his deportation in 2012 that he would be tried under the Transfer Law. No information has been found to suggest that Canada had appointed an independent observer.²⁹¹ Mugesera stayed in the international wing of the Nyanza prison from 2016, around the time of his conviction.²⁹² He was not granted a transfer by the Rwandan authorities

²⁸³ N°30/2018 of 02/06/2018 Law determining the jurisdiction of courts, article 42.

²⁸⁴ Mageragere is the most commonly used name for the prison in Kigali. It is also referred to as Nyarugenge.

²⁸⁵ Nyanza Correctional Facility was also known as Mpanga. It is located in the city of Nyanza, where the special international chamber of the high court has also been located since 2018.

²⁸⁶ Confidential source, February 2023.

²⁸⁷ Transfer Law: N° 09/2013/OL of 16/06/2013 Organic Law repealing the Organic Law n° 11/2007 of 16/03/2007 concerning the transfer of cases to the Republic of Rwanda from the International Criminal Tribunal for Rwanda and from other states, as modified and complemented to date, article 15.

²⁸⁸ Confidential source, February 2023; Confidential source, February 2023; Confidential source, February 2023.

²⁸⁹ Confidential source, February 2023.

²⁹⁰ Confidential source, February 2023; Confidential source, February 2023.

²⁹¹ African Court on Human and People's Rights, *Judgment in the matter of Léon Mugesera vs the State of Rwanda*, Application no 012/2017, 27 November 2020, paragraphs 54-56.

²⁹² IRMCT, *Request for revocation of order referring the Jean Uwinkindi case, transferred to Rwanda by the ICTR in 2012*, [MSC9306R0000513009.pdf \(irmct.org\)](#), paragraphs 33, 35, 37 and 41, from which it can be seen that Mugesera stayed in the Delta wing of Nyanza prison.

subsidised legal aid because the judge ruled that he had sufficient own resources.²⁹³ He later claimed a subsidy for added counsel. However, Mugesera refused to fill in the form provided for that purpose.²⁹⁴

The Rwandan authorities showed willingness to continue to apply the Transfer Law to persons who are deported, i.e. without an extradition request.²⁹⁵ It could not be established whether the deporting country's stipulation of the application of the Transfer Law would prompt the Rwandan authorities to initiate criminal proceedings in such cases.

3.4 Developments in the judicial process

3.4.1 *Trends in the judicial process*

According to a confidential source, over the years, the Rwandan authorities' desire to try genocide suspects themselves had had a positive impact on the extent to which the judicial process in Rwanda met international standards. In 2007, for instance, the death penalty was abolished in general, and the ICTR's quality requirements had prompted the *Rwanda Bar Association* (RBA) to make every effort to have lawyers capable of properly taking on genocide cases. Nonetheless, the circumstances for defendants tried with the guarantees of the Transfer Law were not the same as for defendants without its guarantees (see also sections 3.3 and 3.5).²⁹⁶

3.4.1.1 Judicial backlogs

The judiciary has been struggling with an ever-increasing backlog of cases in recent years. The Court of Appeal, which was established in April 2018 to relieve the Supreme Court (see also section 3.1.1), was responsible for the largest backlogs: in May 2022, 1306 cases were waiting to be heard. Although the justice sector had been trying for several years to reduce backlogs through further digitalisation of legal processes, capacity building of the judiciary and the use of local mediation techniques (*abunzi*) where possible, in recent years the trend was the opposite and backlogs continued to increase. Although pre-trial detention was allowed by Rwandan law to last a maximum of one year, there were many cases where after three or four years no judge had considered the case. The Rwandan judiciary, which was struggling with limited manpower and resources, could not cope with the ever-growing demand.²⁹⁷

3.4.1.2 Judicial independence

Rwanda's constitution has provided for separation of powers and an independent judiciary since 2003. The high council of justice is chaired by

²⁹³ African Court on Human and People's Rights, *Judgment in the matter of Léon Mugesera vs the State of Rwanda, Application no 012/2017*, 27 November 2020, paragraphs 48, 52, 53, 54, 55, 59.

²⁹⁴ Judgment [ECLI:NL:GHDHA:2016:1924, The Hague Court of Appeal, 200.182.281-01 \(rechtspraak.nl\)](#), accessed 30 May 2023.

²⁹⁵ Confidential source, February 2023.

²⁹⁶ Confidential source, February 2023.

²⁹⁷ Confidential source, December 2022.

the president of the Supreme Court.²⁹⁸ The legal texts met the requirements for a fair trial²⁹⁹ but, according to several sources, this was not always reflected in implementation during the period under review either.³⁰⁰

The quality of judges varied. The higher the court, the more experienced the judges generally were. Some were independent, others corruptible or easily influenced. At the same time, case law also laid down a lot, giving judges less room to manoeuvre.³⁰¹ With the exceptions mentioned below, in most cases the judiciary operated without interference from the authorities, and generally the authorities respected court rulings.³⁰²

3.4.1.3 Political influence on the judiciary

According to observers, the influence of politics and the security apparatus on the judiciary was strong when the authorities wished it to be - generally for reasons of national security, regime self-preservation and, in some cases, for the personal interest of powerful individuals.³⁰³ According to observers cited in the US annual human rights report, rulings in politically sensitive and high-profile genocide cases, in particular, seemed to be predetermined. According to the same report, judges allowed confessions allegedly obtained through torture and failed to investigate allegations of torture and ill-treatment (see also section 4.2.3).³⁰⁴

Rwandan law has the principle of presumption of innocence, but in the case of Rusesabagina (see also section 2.1), President Kagame publicly stated that he was guilty before the court had reached a verdict. According to the *American Bar Association* (ABA), this had a detrimental effect on his trial. In February 2021, the Rwandan justice minister acknowledged that prison authorities had repeatedly intercepted and read documents from Rusesabagina's lawyers before passing them on to him.³⁰⁵

As stated above, it was not excluded that judges were influenced as a result of political pressure or corruption.³⁰⁶ According to a confidential source, self-censorship to please the president could also have occurred.³⁰⁷

The ruling in the case of journalist Ntwali's death (see also section 2.6.1) suggested political influence, because of its speed, as the case

²⁹⁸ *Constitution of Rwanda of 2003 with amendments through 2015; Constitution de la République rwandaise, 1991*; Confidential source, February 2023.

²⁹⁹ The elements of a fair trial include: an official indictment, the independence of [judges](#), trial within a reasonable time, [legal aid](#), opportunity and time to prepare a defence, opportunity to hear witnesses, no compulsion to confess, trial according to laws valid at the time of the alleged crime, no second conviction for the same offence (ne bis in idem), and the possibility of appeal and [pardon](#). Source: Amnesty International encyclopaedia, [Fair trial - justice - lawyers - Amnesty International](#), accessed 6 April 2023.

³⁰⁰ US Department of State, *2021 country report on human rights practices*, Rwanda, 2022, p. 10; Confidential source, February 2023.

³⁰¹ Confidential source, February 2023; Confidential source, February 2023.

³⁰² US Department of State, *2021 country report on human rights practices*, Rwanda, 2022, p. 10; Confidential source, February 2023.

³⁰³ US Department of State, *2022 country report on human rights practices*, Rwanda, 2023, p. 10; Confidential source, February 2023; Confidential source, February 2023; Confidential source, February 2023; Confidential source, February 2023.

³⁰⁴ US Department of State, *2021 country report on human rights practices*, Rwanda, 2022, pp. 4, 9, 10.

³⁰⁵ US Department of State, *2021 country report on human rights practices*, Rwanda, 2022, pp. 10-11; American Bar Association, *The Case of Paul Rusesabagina*, June 2021, pp. 2, 3, 5; Confidential source, February 2023.

³⁰⁶ Confidential source, February 2023; Confidential source, February 2023.

³⁰⁷ Confidential source, February 2023.

took place behind closed doors and because the convicted got off with a light sentence. Indeed, in general, trials took a long time precisely because of the backlog of cases and high sentences were often imposed earlier in Rwanda.³⁰⁸

According to a confidential source, political pressure could also be exerted through the prosecutor and the registrar. Thus, critics of the authorities with much public or international attention could spend long periods in pre-trial detention, even if they were eventually acquitted by the court.³⁰⁹

It regularly happened that persons who appeared to have been arrested for political reasons were acquitted. This often involved long periods of pre-trial detention. This was the case, for example, in the case of Diane Rwigara, the 2017 female presidential candidate. She, her mother and four others were acquitted and released in December 2018 after spending a year and three months in pre-trial detention.³¹⁰ Journalist and opposition politician Christopher Kayumba was acquitted of rape and attempted rape in February 2023 after a year and a half in pre-trial detention.³¹¹ For these cases, see also section 2.7.1.1.

Three journalists from the YouTube channel Iwacu TV (see also section 2.7.1.2) were acquitted and released in October 2022 after spending four years and three months in detention.³¹² On 27 March 2017, Violette Uwamahoro, the wife of an opposition politician residing in the UK, was conditionally released due to insufficient evidence. She had been arrested on 14 February that year and had spent 17 days in incommunicado detention while pregnant (see also paragraphs 2.5 and 2.8.3).³¹³

In January 2020, three members of the FDU-Inkingi were acquitted of forming and/or participating in an armed movement. Of those acquitted, one person, Théophile Ntirutwa, was re-arrested a few months later and charged with murder, theft and spreading false information. He was acquitted of murder and theft in December 2022, after more than two-and-a-half years on remand, but sentenced to seven years in prison for spreading false information. Three co-defendants were acquitted and released.³¹⁴

YouTuber Niyonsenga, also known as Cyuma Hassan, was initially acquitted of forgery, assuming another identity and obstructing public works (see also section 2.2.6). He had then spent 11 months on remand. On appeal, he was still found guilty, including of humiliating national authorities and officials, a charge for which there was no legal ground since 2019. This had to be through

³⁰⁸ The Guardian, *Rwandan court fines speeding driver \$920 over death of campaigning journalist*, 7 February 2023, Confidential source, February 2023; Confidential source, February 2023.

³⁰⁹ Confidential source, March 2023.

³¹⁰ Human Rights Watch, *2019 World report. Events of 2018*, 2019, pp. 491-492; TV5 Monde, *Rwanda: l'acquittement surprise de l'opposante Diane Rwigara*, 6 December 2018; Confidential source, February 2023.

³¹¹ Human Rights Watch, *2023 World Report. Events of 2022*, 2022, pp. 513-514; KT Press, *Former university don Kayumba acquitted*, 22 February 2023; Africa News, *Opposition figure Christopher Kayumba held for rape in Rwanda*, 10 September 2021.

³¹² CPJ, *Rwandan court acquits, releases 3 Iwacu TV journalists*, 5 October 2022; Human Rights Watch, *2023 World Report. Events of 2022*, 2022, pp. 514-515.

³¹³ BBC News, *Violette Uwamahoro: Rwanda court releases UK woman*, 27 March 2017; Amnesty International, *2017 Annual report*, 2018, p. 316.

³¹⁴ Human Rights Watch, *2021 World report, Events of 2020*, 2021, pp. 573-575; Human Rights Watch, *Rwanda: Politician Convicted for Harming Rwanda's Image*, 18 January 2023.

of a second appeal be rectified.³¹⁵ According to a confidential source, this course of action showed that both the prosecutor and the judge in this case had been overzealous with the aim of pleasing the authorities.³¹⁶

3.4.2 *Legal aid*

The law gave a right to legal aid, but in practice there was a shortage of lawyers and their services were too expensive for many Rwandans.³¹⁷ The law provided for those with insufficient means to access pro-bono legal aid. This was decided at the district level. Upon his or her arrest, it was determined whether a person had sufficient means for a lawyer or not. Children up to the age of 18 were always given legal aid or a lawyer paid for by the government. If a person did not have sufficient resources, there were several options, according to a confidential source:

- Government legal assistance offices (*Maison d'Accès à la Justice*, MAJ) at the district level. These are not lawyers and they do not do criminal law;
- The pro-bono programme of the Rwanda Bar Association (RBA);
- Subsidised legal aid by the *Legal Aid Forum* (LAF), among others. The LAF is an umbrella organisation of 38 organisations providing legal aid. The Dutch government was a major funder of these services, but that funding will end at the end of 2023;
- Small advocacy organisations such as for gender-based violence or LGBTQ+.³¹⁸

In practice, lawyers did little pro-bono work.³¹⁹

Legal assistance by a foreign lawyer was not excluded, but, according to a confidential source, the possibility of this depended on whether a reciprocal agreement existed between the RBA and the country of the intended lawyer.³²⁰ According to another confidential source, it was possible if the foreign lawyer registered with the Rwanda Bar Association.³²¹ In practice, according to a source, this was rare.³²²

For legal aid in cases under the Transfer Law, see section 3.5.2.

3.4.3 *Pressure on lawyers*

A confidential source provided the following context for the position of lawyers in Rwanda. The legal profession was still relatively new in Rwanda. Until 1997, there existed

³¹⁵ Committee to Protect Journalists, *Rwandan journalist Dieudonné Niyonsenga acquitted, released after 11 months in prison*, 15 March 2021; Human Rights Watch, *Rwanda: Wave of free speech prosecutions*, 16 March 2022; Human Rights Watch, *2021 World report. Events of 2020, 2021*, pp. 575-576; Human Rights Watch, *Rwanda: Wave of free speech prosecutions*, 16 March 2022; Confidential source, February 2023.

³¹⁶ Confidential source, February 2023.

³¹⁷ US Department of State, *2021 country report on human rights practices*, Rwanda, 2022, p. 10; Confidential source, February 2023.

³¹⁸ Confidential source, February 2023; Confidential source, April 2023.

³¹⁹ Confidential source, December 2022.

³²⁰ Confidential source, February 2023; Confidential source, February 2023.

³²¹ Confidential source, April 2023.

³²² Confidential source, February 2023.

this profession did not; until then, suspects were assigned by the state a representative who did not necessarily need to have technical knowledge of the law. After the genocide, the perception by society made it virtually impossible for Rwandan lawyers (who had been trained and experienced abroad, for example) to defend genocide suspects. They therefore limited themselves to representing victims and left the defence of perpetrators to foreign lawyers. However, their services were very expensive, making it necessary for Rwandan lawyers to do this work as well.³²³

During the reporting period, it was still not easy for lawyers to defend genocide suspects, but there had been a greater understanding in society of the role of a lawyer.³²⁴ There were only a few lawyers who did genocide cases and they were among the most expensive.³²⁵ Some lawyers were reluctant to take on politically sensitive cases or cases that touched on state security, because they feared they would be harassed by the authorities.³²⁶ On the other hand, according to a confidential source, it could also be that some lawyers had some form of protection - by having the right connections, for example - or in some cases did go along with the pressure to some extent, for example by convincing the accused to confess guilt in exchange for a greatly reduced sentence.³²⁷

In 2018, two lawyers temporarily disappeared. Jean-Claude Muhikira went missing on 20 March that year. According to a confidential source, he was released after a month of incommunicado detention on condition that he did not make any statements about his detention.³²⁸ Around the same time, lawyer Donat Mutunzi, who was known for operating independently, was found dead in his cell under suspicious circumstances after a 10-day incommunicado detention (see also paragraphs 2.6 and 4.2.1). According to the authorities, he had committed suicide. According to confidential information, he had been accused of rape, but had not been arraigned.³²⁹

3.4.4 *Influencing witnesses*

There were some reports of allegations of witness manipulation during the reporting period. Pressure could be exerted from the authorities,

³²³ Confidential source, February 2023.

³²⁴ Confidential source, February 2023; Confidential source, February 2023; Confidential source, February 2023; Confidential source, February 2023.

³²⁵ Confidential source, February 2023; Confidential source, February 2023.

³²⁶ US Department of State, *2021 country report on human rights practices*, Rwanda, 2022, p. 10, 12.

³²⁷ Confidential source, February 2023.

³²⁸ RFI, *Rwanda : deux avocats disparaissent en l'espace de deux mois*, 25 April 2018 ; Observatoire des Droits de l'Homme au Rwanda, *Alerte sur la disparition de deux avocats rwandais*, 21 April 2018, [ODHR : ALERTE SUR LA DISPARITION DE DEUX AVOCATS RWANDAIS - \(over-blog.com\)](#), accessed 19 April 2018; Confidential source, March 2023.

³²⁹ Human Rights Watch, *2019 World report. Events of 2018*, 2019, p. 494; Human Rights Watch, *2020 World report*, 2021; Amnesty International, *2021 Annual report*, 2022, p. 316; Musabyimana, *Rwanda: exécutions extrajudiciaires très significatives*, 24 April 2018, [Rwanda : Exécutions extrajudiciaires très significatives | Actualité/informations et documentation socio-politiques sur le Rwanda | musabyimana.net](#), accessed 19 March 2023; RFI, *Rwanda: deux avocats disparaissent en l'espace de deux mois*, 25 April 2018 ; Confidential source, June 2018.

from the defendants or from society.³³⁰ Whether exculpatory witnesses³³¹ were free to testify varied from trial to trial, according to confidential sources.³³²

In the appeal against two former *Rwanda Defence Force* (RDF) military officers, Colonel Tom Byabagamba and Brigadier General Frank Rusagara, the defendants complained of witness tampering. The court did not investigate these allegations and upheld the conviction.³³³

There were also instances when suspects tried to influence witnesses. In the case against Ngirabatware in 2018, five individuals were charged by the IRMCT prosecutor with contempt of court and disruption of justice for offering bribes and attempting to influence witnesses.³³⁴

According to several confidential sources, there were instances when someone perceived by the authorities as a threat to security and stability was associated by others - on instruction or not - with politically sensitive files or accused of criminal behaviour.³³⁵

For information on witnesses in Transfer Law cases, see section 3.5.3.

3.5 Legal process and the Transfer Law

For detention conditions under the Transfer Law, see section 4.1.1.7.

3.5.1 Independent observation of Transfer Law court cases

Not all trials of extradited persons had an independent observer appointed. This was a choice of the extraditing country.³³⁶ As far as could be ascertained, only the ICTR, the Netherlands and Germany had chosen this option.³³⁷ The independent observer's reports of the trials of suspects extradited from the Netherlands provided factual information on the following points:

³³⁰ Human Rights Watch, *2019 World report. Events of 2018*, 2019, p. 494; Human Rights Watch, *2021 World report. Events of 2020*, 2021, p. 573; UNIRMCT website, *Ngirabatware, Augustin (MICT-19-121)*, [NGIRABATWARE, Augustin \(MICT-19-121\) | UNITED NATIONS | International Residual Mechanism for Criminal Tribunals \(irmct.org\)](#), accessed 8 March 2023; Confidential source, March 2023; Confidential source, February 2023; Confidential source, February 2023; Confidential source, February 2023.

³³¹ Public Prosecution, What is the difference between an incriminating and exculpatory statement? [What is the difference between an incriminating and exculpatory statement | Public Prosecution Service \(om.nl\)](#), accessed 6 April 2023.

³³² Confidential source, March 2023; Confidential source, February 2023.

³³³ Human Rights Watch, *2021 World report. Events of 2020*, 2021, p. 573.

³³⁴ UNIRMCT website, *Ngirabatware, Augustin (MICT-19-121)*, [NGIRABATWARE, Augustin \(MICT-19-121\) | UNITED NATIONS | International Residual Mechanism for Criminal Tribunals \(irmct.org\)](#), accessed 8 March 2023; Human Rights Watch, *2019 World report. Events of 2018*, 2019, p. 494.

³³⁵ Confidential source, February 2023; Confidential source, February 2023; Confidential source, February 2023.

³³⁶ Confidential source, March 2023; Confidential source, March 2023; Confidential source, March 2023.

³³⁷ Ministry of Justice and Security, Monitoring Rwandan extradition cases, [Monitoring Rwandan extradition cases | International peace and security | Rijksoverheid.nl](#), accessed 16 April 2023; Confidential source, March 2023; Confidential source, March 2023; Confidential source, March 2023; Confidential source, March 2023; Confidential source, April 2023; Confidential source, April 2023.

- A public trial with a competent, independent and impartial judge without political interference;
- Innocence Presumption;
- Right to be informed of charges in a timely manner and in familiar language;
- Right to sufficient time to prepare for trial;
- Right to defence by a lawyer of your choice;
- Right to defendant's presence at trial;
- Right not to have to testify against himself;
- Right not to speak during trial;
- Right to question witnesses for prosecution;
- Right to the same treatment of witnesses for the defence as for prosecution witnesses.³³⁸

In cases for which an observer was assigned, the observer had good access to the defendants, to the international wings of prisons, to courtrooms and judges, and to government agencies.³³⁹

3.5.2 (Subsidised) legal aid in Transfer Law cases

The Transfer Law gave the right to representation by a lawyer of one's own choice. If the accused had insufficient means to pay for legal assistance himself, the Transfer Law guaranteed legal assistance paid for by the authorities.³⁴⁰ For that legal assistance, the authorities issued tender procedures (with a ceiling of around 15 million Rwandan francs (RwF)).³⁴¹ The accused could choose from a list of lawyers who had won the tender. Thus, the choice of a subsidised lawyer was not completely free, as there were financial limits and the best lawyers were the most expensive.³⁴² In the cases of the suspects extradited by the Netherlands, the lawyers complained that the compensation provided was insufficient, especially after the specialised international chamber of the high court was relocated to Nyanza (two-and-a-half hours' travel from Kigali) in 2018.³⁴³ At the court's instruction, the compensation was eventually increased for the lawyers of both suspects by RwF three million to a total of RwF 18 million.³⁴⁴

The suspects extradited by the Netherlands to Rwanda under the Transfer Law were assigned a lawyer by the RBA after they were presented to the independent

³³⁸ International Commission of Jurists, *Final monitoring report Jean Baptiste M.*, 16 June 2022, p. 3

³³⁹ International Commission of Jurists, *Final monitoring report Jean Claude I.*, 1 August 2021; International Commission of Jurists, *Final monitoring report Jean Baptiste M.*, June 2022; International Commission of Jurists, *Monitoring report rendition Venant R.*, July and August 2021, 2021; Confidential source, March 2023; Confidential source, March 2023.

³⁴⁰ Transfer Law N° 09/2013/OL of 16/06/2013 Organic Law repealing the Organic Law n° 11/2007 of 16/03/2007 concerning the transfer of cases to the Republic of Rwanda from the International Criminal Tribunal for Rwanda and from other states, as modified and complemented to date, article 14.6.

³⁴¹ About €12,500. Sources: International Commission of Jurists, *Final monitoring report Jean Baptiste M.*, June 2022; Confidential source, February 2023.

³⁴² Confidential source, February 2023; Confidential source, April 2023.

³⁴³ International Commission of Jurists, *Monitoring Report Jean Baptiste M.*, July-September 2018, §71; *Monitoring Report Jean-Baptiste M.*, December 2018-January 2019, §22, 32; *Monitoring Report Jean Baptiste M. December 2019-February 2020*, §20; *Monitoring Report Jean Baptiste M. June-September 2020*, §71, 85; *Monitoring Report Jean Claude I.*, July-September 2018, §37; *Monitoring Report Jean Claude I.*, April-May 2019, §21, 32.

³⁴⁴ International Commission of Jurists, *Monitoring Report Jean Baptiste M. December 2019-February 2020*, §21; *Monitoring report Jean Claude I.*, December 2019-February 2020, §8.

observer had indicated insufficient own funds.³⁴⁵ In one case, the defendant was not satisfied with his lawyer because he was advised to plead guilty; he was subsequently assigned another lawyer.³⁴⁶ In two cases, there were complaints about arrears in lawyers' payments, but this was rectified after a report about this.³⁴⁷

3.5.3 *Witnesses in Transfer Law cases*

3.5.3.1 Witness protection

Prosecutors had programmes to protect witnesses. These programmes could be accessed by both incriminating and exculpating witnesses.³⁴⁸ Options included making the witness unrecognisable, for example by having the witness testify under a pseudonym, placing the witness in a different room, and/or using technology to distort his voice.

In addition, there were trauma treatment programmes for witnesses and cooperation with local authorities to protect witnesses at home.³⁴⁹ According to a confidential source, not all witnesses, especially those with low education, had confidence in such programmes.³⁵⁰

In the cases observed by the independent observer, the witness list was only accessible to the litigants and was not published. The observer could not see the list either. Witnesses in Transfer Law cases were protected if they requested it. This applied to both defence and prosecution witnesses. Protection of witnesses included testifying under a pseudonym, from another room and in a distorted voice.³⁵¹

In the cases of suspects deported by the Netherlands, both incriminating and exculpating witnesses who requested it were given protection. On a number of occasions, discussions took place in court about the need for protection. In two of the suspects extradited by the Netherlands, either the suspect or the lawyer complained about the anonymisation of incriminating witnesses because, in their view, the witnesses could use that protection to give false testimony.³⁵² The court determined on a case-by-case basis whether protection measures were necessary for the witnesses.³⁵³

In another case, the judge ruled that a witness did not receive the witness protection he had requested. It was not clear from the record on

³⁴⁵ International Commission of Jurists, *Final monitoring report Jean Claude I.*, 1 August 2021, pp. 7-8; International Commission of Jurists, *Final monitoring report Jean Baptiste M.*, June 2022, p. 10; International Commission of Jurists, *Monitoring report extradition Venant R. July and August 2021*, undated, p. 4; Confidential source, February 2023; Confidential source, March 2023; Confidential source, April 2023.

³⁴⁶ International Commission of Jurists, *Final monitoring report Jean Claude I.*, 1 August 2021, pp. 7-8.

³⁴⁷ International Commission of Jurists, *Final monitoring report Jean Claude I.*, 1 August 2021, pp. 7-8; International Commission of Jurists, *Final monitoring report Jean Baptiste M.*, June 2022, p. 10.

³⁴⁸ This can be seen from the following sources: International Commission of Jurists, *Final monitoring report Jean Claude I.*, 1 August 2021, p. 14; International Commission of Jurists, *Final monitoring report Jean Baptiste M.*, 16 June 2022, p. 9.

³⁴⁹ International Commission of Jurists, *Final monitoring report Jean Claude I.*, 1 August 2021, p. 14; Confidential source, February 2023; Confidential source, February 2023; Confidential source, February 2023; Confidential source, February 2023; Confidential source, February 2023.

³⁵⁰ Confidential source, February 2023.

³⁵¹ International Commission of Jurists, *Final monitoring report Jean Claude I.*, 1 August 2021, p. 14; International Commission of Jurists, *Final monitoring report Jean Baptiste M.*, 16 June 2022, p. 9; Confidential source, February 2023; Confidential source, February 2023; Confidential source, February 2023; Confidential source, February 2023; Confidential source, March 2023.

³⁵² International Commission of Jurists, *Monitoring Report Jean Claude I., December 2017-February 2018*, § 35; International Commission of Jurists, *Monitoring Report Jean Baptiste M., July-September 2018*, § 68.

³⁵³ International Commission of Jurists, *Final monitoring report Jean Baptiste M.*, 16 June 2022, p. 9.

what grounds the protection had been sought or on what grounds it was rejected.³⁵⁴

In the cases of suspects extradited by the Netherlands, there were instances when witnesses who had previously indicated they wanted protection declined to do so during trial. It could not always be established why this was. In one of the cases, two of these (incriminating) witnesses subsequently changed their statement and claimed that they had signed their earlier statement under pressure.³⁵⁵ To this end, one of these witnesses claimed to have been beaten so badly that pus came out of his ears, and later transferred to a prison where he had no room to sleep.³⁵⁶ Conversely, the prosecutor claimed that the witness had correctly stated that he had been bribed by the suspect.³⁵⁷ It could not be established which of these two statements was true.

3.5.3.2 Witnesses from abroad

It was possible for witnesses to be heard in/from abroad. This could be for practical reasons, or because of witness protection. In the case of a suspect extradited from the Netherlands, a foreign lawyer was used to prepare witnesses who were to testify from abroad for this.³⁵⁸

3.5.4 *Due process in Transfer Law cases*

To our knowledge, no independent analysis of the independent observer's reports of the trials of the suspects extradited by the Netherlands has taken place to conclude whether there was a fair trial. For information on the conduct of the trials, please refer to the reports, which are published on the State Portal. This official report occasionally, and without being exhaustive, quotes anecdotal information from the observation reports, particularly in the area of witness protection and detention conditions.³⁵⁹

Not in all Transfer Law cases was an independent observer appointed by the extraditing country. It is unclear whether the cases of suspects extradited by the Netherlands are representative of all Transfer Law cases.

In the case of a suspect extradited by the Netherlands, his lawyer kept insisting that he confess guilt. The suspect was assigned another lawyer following his complaints about this.³⁶⁰ In addition, two of the suspects extradited from the Netherlands indicated that they were convinced that their communications, including those with their lawyers, were bugged by the prison authorities. According to the thoughts, this happened both during physical meetings with their lawyers and through spyware or their computers

³⁵⁴ International Commission of Jurists, *Monitoring Report Jean Baptiste M., June-July 2019*, § 57-58.

³⁵⁵ International Commission of Jurists, *Monitoring Report Jean Baptiste M., December 2018-January 2019*, § 65-69; International Commission of Jurists, *Monitoring Report Jean Baptiste M., April-May 2019*, § 9.23-25, 40.

³⁵⁶ International Commission of Jurists, *Monitoring Report Jean Baptiste M., April-May 2019*, § 9.23-25, 40.

³⁵⁷ International Commission of Jurists, *Monitoring Report Jean Baptiste M., April-May 2019*, § 81-86.

³⁵⁸ International Commission of Jurists, *Final monitoring report Jean Claude I.*, 1 August 2021, pp. 11, 14; International Commission of Jurists, *Monitoring report Jean Claude I. July, August, September 2020*, 30 September 2020, p. 5; Confidential source, February 2023; Confidential source, February 2023.

³⁵⁹ [Monitoring Rwandan extradition cases | International peace and security | Rijksoverheid.nl](#)

³⁶⁰ International Commission of Jurists, *Final monitoring report Jean Claude I.*, 1 August 2021, pp. 7-8.

(see also section 4.1.1.7).³⁶¹ One of the defendants complained that he was not given a separate room for consultations with his lawyer and that he had to hold these talks during visiting hours in the same room as other prisoners.³⁶² The validity of the complaints about spyware could not be confirmed. The judge ordered the prosecutor to take this complaint seriously, but the independent observer's reports do not show that independent investigations were conducted into this complaint. The defendants were given a new laptop, but this did not address their concerns.³⁶³

3.5.5 Case backlogs and Transfer Law cases

Case backlogs also affected appeals in Transfer Law cases. The chairman of the RBA promised the independent observer of the cases of those extradited by the Netherlands to express his concern to the president of the court of appeal.³⁶⁴

3.6 Treatment returnees

3.6.1 Voluntary return

It has not been possible to determine how many people voluntarily returned to Rwanda, nor how these persons were generally treated upon return.³⁶⁵ According to confidential sources, persons who had been critical of the Rwandan authorities in the past could only return after showing repentance openly and to the authorities. After that, they were kept under surveillance.³⁶⁶

3.6.2 Evictions

From the US, Canada, Uganda, the Republic of Congo, the DRC, Germany and the Netherlands, a total³⁶⁷ of some 17 persons under genocide suspicion were deported to Rwanda.³⁶⁸ The Netherlands deported - in numbers rounded to dozens - 10 persons to Rwanda during the reporting period; none of them had a 1F indication.³⁶⁹ A person was also deported from Norway who was not a genocide suspect, but was prosecuted for genocide ideology upon return (see below under *Norway*).

³⁶¹ International Commission of Jurists, *Final monitoring report Jean Claude I.*, August 2021, pp. 17-18; International Commission of Jurists, *Final monitoring report Jean Baptiste M.*, 16 June 2022, p. 12.

³⁶² International Commission of Jurists, *Final monitoring report Jean Claude I.*, July-September 2018, §20, 34.

³⁶³ International Commission of Jurists, *Monitoring Report Jean Claude I.*, November-December 2016, §79; *Monitoring Report Jean Claude I.*, February-April 2019, §29, 35, 40; *Monitoring Report Jean Claude I.*, October-December 2020, §63, 67, 94; *Monitoring Report Jean Baptiste M.*, February-April 2019, §14, 19; *Monitoring Report Jean Baptiste M.*, January-February 2021, §49.

³⁶⁴ International Commission of Jurists, *Monitoring Report Venant R.*, September-November 2022, § 151-154.

³⁶⁵ Confidential source, February 2023.

³⁶⁶ Confidential source, February 2023; Confidential source, March 2023.

³⁶⁷ This number includes some six exposures prior to the reporting period.

³⁶⁸ Rwanda National Public Prosecution Authority, *Genocide Fugitives Tracking Unit (GFTU) and so far work done*, April 2018, [index.php \(nppa.gov.rw\)](https://nppa.gov.rw/index.php), accessed 16 April 2023; Confidential source, February 2023.

³⁶⁹ Confidential source, April 2023.

There was no systematic monitoring of the treatment by the Rwandan authorities of persons deported to Rwanda.³⁷⁰ According to two confidential sources, it was quite possible that if a person perceived as a threat was forcibly returned - e.g. due to deportation - he or she first spent time in incommunicado detention, with a risk of ill-treatment attached. The sources did not substantiate this with concrete examples and there are no known cases where this would indeed have happened to deported returnees.³⁷¹

3.6.2.1 Canada

In 2012, Léon Mugesera was deported by Canada. According to the Rwandan authorities, in doing so, Canada had stipulated that the Transfer Law be applied to this deportation (see also section 3.3.3).³⁷²

In 2016, Canada deported former FAR officer Henri Jean Claude Seyoboka to Rwanda. Rwandan authorities had issued an international arrest warrant against him on charges of participating in the 1994 genocide. According to press reports, the Canadian authorities had sought assurances that Seyoboka would be treated well.³⁷³ According to a press report, during his trial, Seyoboka indicated he had no resources for his defence and was then assigned a pro-bono lawyer. According to the same report, according to the Rwandan authorities, Seyoboka was not entitled to publicly funded legal aid.³⁷⁴ Seyoboka was tried by the military court and sentenced to life imprisonment. He appealed this in 2021.³⁷⁵

3.6.2.2 Germany

In October 2022, Germany deported an individual to Rwanda. This was not a genocide suspect, but someone who had already been tried in Germany for directing the FDLR armed group from Germany. He had served an eight-year sentence for this. The German authorities sought and obtained a guarantee from the Rwandan authorities that he would not be tried again for the same offence. According to a confidential source, he had been in a rehabilitation camp for former combatants since his return to Rwanda.³⁷⁶

³⁷⁰ Confidential source, February 2023; Confidential source, February 2023.

³⁷¹ Confidential source, February 2023; Confidential source, March 2023.

³⁷² African Court on Human and People's Rights, *Judgment in the matter of Léon Mugesera vs the State of Rwanda, Application no 012/2017*, 27 November 2020. Paragraph 53 refers to a *Letter of Assurance on Human Rights requested by the Government of Canada in the case of MUGESERA Leon*, dated 27 March 2009; Rwanda National Public Prosecution Authority, *Genocide Fugitives Tracking Unit (GFTU) and so far work done*, April 2018, [index.php \(nppa.gov.rw\)](https://nppa.gov.rw/index.php), accessed 16 April 2023, p. 4.

³⁷³ Rwanda National Police, *Canada departs second Genocide suspect*, 18 November 2016; Jeune Afrique, *Génocide rwandais : le Canada extradé un ex-officier de l'armée vers Kigali*, 18 November 2016; BBC News Afrique, *Un ex-officier rwandais extradé du Canada*, 18 November 2016.

³⁷⁴ KT Press, *Genocide suspect Seyoboka wants government-paid lawyer*, 6 January 2017. According to this article, Seyoboka was not entitled to a lawyer funded by the Rwandan authorities because he had been extradited. This is incorrect. According to confidential and public sources (see previous footnote), Seyoboka had not been extradited but deported. In his case (unlike Léon Mugesera's), it is not clear whether Canada had stipulated that he would be tried under the Transfer Law. This then makes it more logical that he was not entitled to legal aid financed by the authorities, as that is only a guarantee under the Transfer Law, provided the person concerned does not have sufficient own resources. This does not alter the factual information that Seyoboka wanted to claim and was not granted subsidised legal aid.

³⁷⁵ The New Times, *Military court to start hearing witnesses in Seyoboka Genocide case*, 9 February 2018; The New Times, *Genocide convict Seyoboka appeals against life sentence at Military High Court*, 31 May 2021.

³⁷⁶ Confidential source, March 2023; Confidential source, March 2023.

3.6.2.3 Norway

In 2016, Joseph Nkusi was deported by Norway, the country where he had lived since 2009. Nkusi was also not a genocide suspect, but during his stay in Norway he had published critical blogs about the Rwandan authorities and claimed that there had been a double genocide in Rwanda. Upon his return, Nkusi was immediately arrested and prosecuted for conspiracy, genocide ideology and sedition. In March 2018, he was sentenced to 10 years in prison.³⁷⁷ Nkusi, according to an article in the Rwandan press, was arraigned at the high court, which referred the case to the specialised international chamber.³⁷⁸

3.6.2.4 United States

The United States negotiated no guarantees when deporting them to Rwanda. There was no monitoring of the treatment of these persons upon their return, but according to a confidential source, no signals had been received that these persons had been subjected to ill-treatment.³⁷⁹

In 2021, Beatrice Munyenyezi was deported by the US after serving a prison sentence for lying on her naturalisation application. Upon arrival in Rwanda, she was arrested for genocide-related crimes.³⁸⁰

3.6.3 Deliveries

The Rwandan authorities were actively pursuing the conclusion of extradition treaties with third countries during the period under review.³⁸¹ According to a 2019 Rwandan Press article, Rwandan authorities had by then already expelled over a thousand extradition requests.³⁸²

Eight cases were transferred to Rwanda from the ICTR. In addition, according to a confidential source, several countries extradited individuals to Rwanda. The Netherlands, Sweden, Norway, Denmark and Germany extradited a total of nine persons.³⁸³ Countries such as Belgium, France and the UK did not extradite to Rwanda; during the reporting period, they tried genocide suspects exclusively themselves. Belgium's federal prosecutor's office had some 40 genocide cases from Rwanda awaiting trial.³⁸⁴

In the case of extradition, under the Transfer Law, the extraditing country could appoint an independent observer for the trial (see also paragraphs 3.3.1 and 3.5.1).³⁸⁵

³⁷⁷ Newstex Blogs, *How does Rwanda's genocide ideology law regulate speech online?* 20 July 2020, The Rwanda, *Dr Joseph Nkusi deported from Norway in 2016, sentenced to 10 years of prison*, 29 March 2018.

³⁷⁸ The Rwandan, *Norway's puzzling relationship with Rwanda*, 30 October 2017.

³⁷⁹ Confidential source, February 2023.

³⁸⁰ Human Rights Watch, *World report 2022. Events of 2021*, 2021, p. 567.

³⁸¹ Human Rights Watch, *2020 World report. Events of 2019*, 2019; Human Rights Watch, *2022 World report. Events of 2021*, 2021.

³⁸² The New Times, *Rwanda seeks extradition of over 1,000 Genocide suspects*, 31 July 2019.

³⁸³ Confidential source, February 2023.

³⁸⁴ Human Rights Watch, *2020 World report. Events of 2019*, 2020; Confidential source, February 2023; Confidential source, February 2023.

³⁸⁵ *Transfer Law: N° 09/2013/OL of 16/06/2013 Organic Law repealing the Organic Law n° 11/2007 of 16/03/2007 concerning the transfer of cases to the Republic of Rwanda from the International Criminal Tribunal for Rwanda and from other states, as modified and complemented to date*, article 21.

The Netherlands extradited three genocide suspects to Rwanda. Under the Transfer Law, the Netherlands made it a condition that the trials of these suspects in Rwanda were monitored by an independent observer. The role of independent observer was fulfilled by the Kenyan branch of the *International Commission of Jurists* (ICJ). Reports of the observation of the three trials can be found on the website of the Dutch central government.³⁸⁶ Those extradited by the Netherlands were assigned a lawyer and detained in the international wings of the two designated prisons.³⁸⁷

Sweden extradited a person to Rwanda in 2022. He had been arrested on the basis of an international arrest warrant. As the person concerned did not consent to his extradition, the prosecutor brought the case before the Swedish Supreme Court. That ruled that there were no obstacles to extradition.³⁸⁸ Sweden did not request additional guarantees from Rwanda, and did not appoint an independent observer.³⁸⁹

In 2011, Sweden had also extradited a suspect. The European Court of Human Rights (ECtHR) ruled then that that extradition did not violate the suspect's human rights. In 2013, this ruling was reaffirmed by the dismissal of complaints against extraditions by Denmark and Norway to Rwanda.³⁹⁰

Germany extradited an individual in 2017. This person's trial, like the cases extradited by the Netherlands, was monitored by the ICJ. He was initially sentenced to 25 years in 2023 and appealed.³⁹¹

In 2018, Denmark extradited an individual to Rwanda.³⁹² According to a confidential source, the suspect stayed in prison in Nyanza. According to the same source, Denmark agreed with Rwanda that upon completion of the trial in Rwanda, including the appeal phase, the person would serve his sentence in Denmark. The trial was ongoing at the end of the reporting period.³⁹³

3.6.4 Perception treatment delivered

According to confidential sources, extradited persons received preferential treatment in the eyes of society; as a result, it was felt that there was no equal treatment before the law.³⁹⁴ At the same time, Rwandans felt it was especially important that all persons guilty of genocide were held accountable for their actions, whether abroad or in

³⁸⁶ [Monitoring Rwandan extradition cases | International peace and security | Rijksoverheid.nl](#)

³⁸⁷ ICJ, *Final Monitoring Report Jean Claude I.*, August 2021, pp. 6-7, 16-17; ICJ, *Final Monitoring Report Jean Baptiste M.*, June 2021, pp. 8-9, 11; ICJ, *Monitoring Report Venant R.*, July and August 2021, pp. 4-5.

³⁸⁸ KT Press, *Sweden extradites genocide suspect to Rwanda*, 27 April 2022; Confidential source, March 2023.

³⁸⁹ Confidential source, March 2023.

³⁹⁰ Dutch Public Prosecution Service, [Rwandan Genocide suspects extradited to Rwanda | News item | Public Prosecution Service](#), 12 November 2016.

³⁹¹ AP, *Official: Rwanda genocide suspect extradited from Germany*, 18 August 2017; KT Press, *Genocide suspect Jean Twagiramungu sentenced to 25-year imprisonment*, 16 February 2023; Confidential source, March 2023; Confidential source, March 2023.

³⁹² The Local DK, *Danish Rwandan extradited to Kigali over genocide*, 12 December 2018; Confidential source, April 2023.

³⁹³ Confidential source, April 2023.

³⁹⁴ Confidential source, February 2023; Confidential source, February 2023.

Rwanda.³⁹⁵ There was then, according to a confidential source, little public attention to how such trials subsequently proceeded.³⁹⁶

3.7 Opportunities for reconsideration and appeal

The gacaca (see also section 1.5.3) were abolished in 2012. Genocide perpetrators have since been tried only in regular courts under the Criminal Code.³⁹⁷ Persons convicted in absentia by a gacaca court due to residence abroad are informed of the verdict upon their return. They are then given two months to apply for a retrial at a regular court. If they do not do so, they must serve their sentence.³⁹⁸

This information should be kept in mind that the sentences imposed by gacaca for equal offences were lower than those contained in the Penal Code until the end of the reporting period.

As a result, re-trial carries a risk of a higher sentence.³⁹⁹ In the case where persons had escaped their sentence, it is carried out unchanged.⁴⁰⁰

Rwanda has the right to protection against *double jeopardy* (internationally also known as *ne bis in idem*).⁴⁰¹ In addition, for persons covered by the Transfer Law who were extradited by the ICTR or the IRMCT, they can only be tried for cases authorised by the ICTR or the IRMCT.⁴⁰²

In all three cases of the defendants extradited by the Netherlands under the Transfer Law, a previous gacaca conviction was overturned by the court before the defendants were retried.⁴⁰³ In one of the cases of the defendants extradited by the Netherlands, the testimonies from the gacaca cases were subsequently used in the retrial,⁴⁰⁴ in another case, the testimonies from the gacaca case were explicitly excluded from use in the retrial,⁴⁰⁵ and in the third case, they were neither explicitly excluded,

³⁹⁵ France24, *Three Rwanda genocide suspects arrested in Belgium*, 3 October 2020; Africa News, *Rwanda: des survivants saluent l'extradition d'un génocidaire présumé*, 27 July 2021; Le Canapé, *Génocide des Tutsi: Ibuka souhaite l'extradition de Kabuga*, 16 May 2020; Rwanda National Public Prosecution Authority, *Genocide Fugitives Tracking Unit (GFTU) and so far work done*, April 2018, p. 1; Confidential source, February 2023.

³⁹⁶ Confidential source, February 2023.

³⁹⁷ Law N°04/2012/OL of 15/06/2012 terminating Gacaca courts and determining mechanisms for solving issues which were under their jurisdiction; Confidential source, February 2023.

³⁹⁸ Law N°04/2012/OL of 15/06/2012 terminating Gacaca courts and determining mechanisms for solving issues which were under their jurisdiction, articles 8-10; Confidential source, February 2023; Confidential source, February 2023; Confidential source, February 2023.

³⁹⁹ Confidential source, February 2023; Confidential source, February 2023.

⁴⁰⁰ Confidential source, February 2023; Confidential source, February 2023; Confidential source, February 2023; Confidential source, February 2023.

⁴⁰¹ Penal Code: Rwanda: Law N° 68/2018 of 30/08/2018 Determining Offences and Penalties in General, Article 7

⁴⁰² Transfer Law: N° 09/2013/OL of 16/06/2013 Organic Law repealing the Organic Law n° 11/2007 of 16/03/2007 concerning the transfer of cases to the Republic of Rwanda from the International Criminal Tribunal for Rwanda and from other states, as modified and complemented to date, Article 5.

⁴⁰³ International Commission of Jurists, *Monitoring Report Venant R., March-May 2022*, § 25-27; International Commission of Jurists, *Monitoring Report Jean Claude I., May-June 2017*, § 8-15; International Commission of Jurists, *Monitoring Report Jean Baptiste M., September 2017*, § 13-15

⁴⁰⁴ International Commission of Jurists, *Monitoring Report Venant R., March-May 2022*, § 40.

⁴⁰⁵ CASE RP 00001/2017/HC/HCCIC, Judgement Jean Claude I., § 11.

nor used. In that case, the gacaca case involved a conviction for plunder.⁴⁰⁶

Persons convicted in absentia by a regular court could appeal.⁴⁰⁷

3.8 Penalties for genocide and similar crimes

After the termination of the gacaca, the trial of genocide perpetrators was transferred to the regular courts (see also section 3.7). The categorisation of acts of genocide that persisted the gacaca thus lapsed. Genocide and other crimes committed during the genocide were since then covered by the Penal Code.⁴⁰⁸ The Penal Code generally prescribed harsher punitive measures than the gacaca law in the past.⁴⁰⁹

3.8.1 *Punishments for genocide*

Genocide was punishable by **life imprisonment** without the possibility of sentence reduction. The Penal Code defined genocide as a n act aimed at destroying part or all of a national, ethnic, racial or religious group, in times of peace or in times of war, by 1) killing members of that g r o u p ; 2) causing serious physical or mental harm to members of the group; 3) deliberately imposing conditions of life on the group aimed at eradicating the group; 4) imposing measures aimed at p r e v e n t i n g births within the group; forcibly transferring children from that group to another group. Conspiring to commit, inciting, planning, committing and attempting and being an accomplice to genocide was also punishable by life imprisonment without possibility of reduction of sentence.⁴¹⁰

3.8.2 *Penalties for crimes against humanity*

The following **crimes against humanity**, as defined in the Geneva Conventions and the three Additional Protocols, were punishable by **life imprisonment**: murder; extermination; slavery; torture; rape, sexual slavery, forced prostitution, forced sterilisation and any other form of sexual violence of the same gravity; enforced disappearance; and other inhuman acts causing severe suffering and physical and mental harm.⁴¹¹

The following **crimes against humanity**, as defined in the Geneva Conventions and the three Additional Protocols, were punishable by **20 to 25 years'** imprisonment: deportation; detention or other form of

⁴⁰⁶ International Commission of Jurists, *Monitoring Report Jean Baptiste M., September 2017*, §m 8.

⁴⁰⁷ Confidential source, February 2023.

⁴⁰⁸ Confidential source, February 2023; Confidential source, February 2023.

⁴⁰⁹ Confidential source, February 2023; Confidential source, February 2023.

⁴¹⁰ Penal Code: Rwanda: Law N° 68/2018 of 30/08/2018 Determining Offences and Penalties in General, Articles 91, 92 and 93.

⁴¹¹ Penal Code: Rwanda: Law N° 68/2018 of 30/08/2018 Determining Offences and Penalties in General, articles 94 and 95.

unlawful deprivation of liberty; persecution on political, ethnic, religious grounds or any other form of discrimination; apartheid. These crimes combined with degrading treatment are punishable by life imprisonment.⁴¹²

3.8.3 *Penalties for war crimes*

The following **war crimes**, as defined in the Geneva Conventions and Additional Protocols I and II, were punishable by **life imprisonment**: death with intent; torture and inhuman treatment, knowingly inflicting serious injury to body or health; knowingly carrying out an attack on the civilian population or their property, knowing that it could result in loss of life, serious injury and loss of property; attacking unprotected places; and knowingly killing or injuring a person known not to be engaged in hostilities, or who is unable to defend himself.⁴¹³

The following **war crimes** as defined in the Geneva Conventions and Additional Protocols I and II were punishable by **ten to 15 years' imprisonment**: knowingly denying a prisoner of war the right to a fair trial; forced deportation, displacement of civilian populations or systematic detention in concentration camps or forced labour camps; taking hostages and subjecting them to terrorist acts; using emblems of humanitarian organisations or other protective signs for the purpose of killing, wounding or capturing the enemy; practising apartheid and other degrading practices based on racial discrimination.⁴¹⁴

The following **war crimes**, as defined in the Geneva Conventions and Additional Protocols I and II, were punishable by **imprisonment for between five and ten years**: extensive destruction and appropriation of property without military necessity, and buildings with religious, charitable, educational, historical, artistic or scientific purposes; forcing prisoners of war to serve in the enemy's security or governmental services; displacing the civilian population against its own interest; irresponsible delays in the repatriation of prisoners of war and interned civilians after the end of the conflict; and imposing and executing punishments without due process and respect for the rights of the accused.⁴¹⁵

3.8.4 *Solitary confinement for life*

In 2017, solitary confinement as part of a life sentence was formally abolished under pressure from the international community. The sentence 'life with special provisions for heinous crimes'⁴¹⁶ had replaced the death penalty in 2010, which had been abolished in 2007 to allow extraditions of genocide suspects by the ICTR. 'Abominable crimes' were defined as torture r e s u l t i n g in death,

⁴¹² Penal Code: Rwanda: Law N° 68/2018 of 30/08/2018 Determining Offences and Penalties in General, Articles 94 and 95.

⁴¹³ Penal Code: Rwanda: Law N° 68/2018 of 30/08/2018 Determining Offences and Penalties in General, Articles 96 and 98.

⁴¹⁴ Penal Code: Rwanda: Law N° 68/2018 of 30/08/2018 Determining Offences and Penalties in General, Articles 96 and 98.

⁴¹⁵ Penal Code: Rwanda: Law N° 68/2018 of 30/08/2018 Determining Offences and Penalties in General, Articles 96 and 98.

⁴¹⁶ Referred to in English as *Life imprisonment with special provisions for odious crimes*.

murder and manslaughter with degrading treatment of the dead body, genocide and other crimes against humanity, sexual abuse of children, sexual torture and forming or leading a criminal gang. In addition to solitary confinement, the sentence also meant that to claim any kind of pardon or parole, the convict had to have served a minimum of 20 years of the sentence.⁴¹⁷

There were reports that even after the abolition of solitary confinement, persons were detained in more or less isolation. See paragraphs 4.1.1, 4.1.8 and 4.2.2).

3.8.5 *Penalty reduction*

Under circumstances, the court could reduce the sentence. This was the case if, prior to the trial, the accused confessed guilt, repented to the victim and Rwandan society, and made restitution as expected.

Acts of genocide⁴¹⁸ were subject to an exception in the law. Section 60 of the 2018 Penal Code stated that subject to the provisions of section 107 of the same Act, the court could reduce a life sentence to a term of imprisonment of not less than 25 years. However, section 107 did not mention any reservations. In 2019, the Penal Code was amended and since then, Article 60 referred to the reservations in Article 92. Article 92 states that acts of genocide, as defined in Article 91, are punishable by life imprisonment that is not eligible for reduction under any circumstances.⁴¹⁹

Nevertheless, two of the suspects extradited by the Netherlands and the one extradited by Germany received 25-year prison sentences while convicted of genocide.⁴²⁰ In the Dutch suspects' sentences, the judges referred to the fact that limiting the judge's discretion in determining the sentence, as in Article 92 of the 2018 Criminal Code, was contrary to Article 49. That article states that the court determines the punishment based on the severity and consequences of and motive for the crime, as well as the criminal record, personal circumstances and the context in which the crime was committed.⁴²¹ All three defendants appealed their convictions.⁴²²

3.8.6 *Conditional early release*

⁴¹⁷ The East African, *Solitary confinement to go in new Rwanda law proposals*, 20 October 2017; The New Times, *Bill on solitary confinement will advance human rights*, 3 April 2010.

⁴¹⁸ This exception also existed for sexual abuse of a child, as defined in Article 133 of the Penal Code.

⁴¹⁹ Penal Code: Rwanda: *Law N° 68/2018 of 30/08/2018 Determining Offences and Penalties in General*, Articles 59, 60, 91, 92, 93 and 133, and *Law No 69/2019 of 08/11/2019 amending Law No 68/2018 OF 30/08/2018 Determining offences and penalties in general*, Article 1, [Refworld | Rwanda: Law N° 68/2018 of 30/08/2018 Determining Offences and Penalties in General](#), accessed 8 March 2023.

⁴²⁰ KT Press, Jean Claude Iyemuremye gets 25 sentence for genocide crimes, 30 June 2021; Anadolu Agency, Rwandan man receives 25-year sentence over genocide charges, 17 March 2022; KT Press, *Genocide suspect Jean Twagiramungu sentenced to 25-year imprisonment*, 16 February 2023.

⁴²¹ Confidential source, June 2021; Confidential source, March 2022.

⁴²² The New Times, *Twagiramungu sentenced to 25 years in jail over genocide*, 16 February 2023; Confidential source, May 2023.

Early release was possible on condition of good behaviour or in case of a doctor-diagnosed incurable illness. The convict then had to have served part of his or her sentence: at least one-third of a prison sentence of up to five years, at least two-thirds of a prison sentence of more than five years and at least 20 years of a life sentence.⁴²³ An application for parole had to be made in written form to the Minister of Justice, with a copy to the commissioner-general of the *Rwanda Correctional Service* (RCS).⁴²⁴ This option was reportedly very rarely used and not in genocide cases.⁴²⁵

3.8.7 Presidential pardon

The Penal Code also provided for a presidential pardon. The law allowed the president of the republic to grant this pardon at his discretion and in the public interest to both individuals and groups.⁴²⁶ According to a confidential source, a presidential pardon was also possible in cases of life imprisonment.⁴²⁷

In recent years, President Kagame issued several presidential pardons. In 2018, more than 3,500 people were released, including Victoire Ingabire and Kizito Mihigo.⁴²⁸ In 2019, the president pardoned hundreds of women and girls serving life sentences for abortion.⁴²⁹ In 2022, hundreds more convicts were released (on parole).⁴³⁰ In March 2023, under heavy US pressure, Paul Rusesabagina was released with a presidential pardon, at the same time as another 380 people.⁴³¹

3.9 Treatment of genocide perpetrators

Persons suspected of genocide continued to be prosecuted during the reporting period.⁴³² According to a confidential source, there was still a strong desire for justice in Rwandan society; citizens wanted to know that genocide perpetrators, also referred to as *génocidaires* in the Rwandan context, were being prosecuted.⁴³³

⁴²³ Penal Code: *Law N° 68/2018 of 30/08/2018 Determining Offences and Penalties in General*, articles 232 and 233, [Refworld | Rwanda: Law N° 68/2018 of 30/08/2018 Determining Offences and Penalties in General](#), accessed 8 March 2023.

⁴²⁴ Confidential source, February 2023; Confidential source, February 2023; Confidential source, February 2023; Confidential source, March 2023.

⁴²⁵ Confidential source, March 2023.

⁴²⁶ Penal Code: *Law N° 68/2018 of 30/08/2018 Determining Offences and Penalties in General*, Articles 70, 71, 71, [Refworld | Rwanda: Law N° 68/2018 of 30/08/2018 Determining Offences and Penalties in General](#), accessed 8 March 2023.

⁴²⁷ Confidential source, February 2023.

⁴²⁸ Ministry of Justice, The Cabinet meeting approved the pardon granted to a convict, a collective pardon to 36 young women for abortion and conditional release of 3,596, [The Cabinet meeting approved the pardon granted to a convict, collective pardon to 36 young women convicted for abortion and conditional release of 3,596 \(minijust.gov.rw\)](#)

⁴²⁹ Ministry of Gender and Family Planning, [MIGEPROF: President KAGAME pardons women and girls jailed over abortion](#), 4 April 2019, accessed 6 April 2023.

⁴³⁰ KT Press, Kagame pardons 12 convicts, 802 released on parole, 12 November 2022.

⁴³¹ TV5Monde, *Rwanda : libération de l'opposant Paul Rusesabagina*, 26 March 2023, [\(169\) Rwanda : libération de l'opposant Paul Rusesabagina - YouTube](#), accessed 29 March 2023 ; Rwanda Ministry of Justice, *Commutation by Presidential order of prison sentences of Paul Rusesabagina*, [Commutation by Presidential order of prison sentences of Paul RUSESABAGINA \(minijust.gov.rw\)](#), accessed 16 April 2023.

⁴³² Confidential source, February 2023; Confidential source, February 2023; Confidential source, February 2023.

⁴³³ Confidential source, February 2023.

Persons who had served their sentences went back to their communities of origin under escort. Often, the church played an important role in this, according to one source.⁴³⁴ As release of convicts of more serious forms of genocide would become more common in the coming years, other forms of accompaniment for the return were increasingly considered during the reporting period, such as the establishment of *half-way houses*⁴³⁵, trauma treatment and reconciliation activities, resocialisation programmes and skills training.⁴³⁶

Return of convicted genocide perpetrators to society was generally a difficult process where emotions and trauma could lead to tension and isolation. Usually, however, according to confidential sources, Rwandans would not dare or want to act on this.⁴³⁷ According to a confidential source, someone returning to society was generally told to keep calm. Through informants, surveillance at the local level was high; if problems arose between returnees and society, the authorities intervened immediately. The authorities did not allow emotions from either side, either from victims or perpetrators.⁴³⁸ At the same time, it is not common practice in Rwanda to talk about trauma and emotions, even among themselves.⁴³⁹ The authorities organised moments for directed discharges of emotion and trauma, such as during genocide commemorations in the month of April.⁴⁴⁰ Added to this was the fact that so many Rwandans had been guilty of and victims of genocide that dealing with such situations was part of everyday life in Rwanda. According to two confidential sources, Rwandans generally joined and preferred to focus on the future.⁴⁴¹

It made no difference to the treatment by the authorities whether the genocide perpetrator returned from abroad or was in Rwanda.⁴⁴² There was a strong sense of resentment among citizens against genocide perpetrators who had built lives abroad and turned their backs on other perpetrators and victims in the process of rebuilding the country and society. It was also often assumed that those who had fled were among the main culprits. Therefore, if anything, the trial of genocide suspects residing abroad was considered even more important than that in Rwanda. According to a confidential source, society attached more importance to the fact that the accused were tried than to how the trial proceeded.⁴⁴³

Individuals who, in addition to being suspected of genocide, were seen by the Rwandan security apparatus as a real threat to security and stability (see also paragraphs 2.7.1, 4.1.1.8 and 4.2.1) were at the same risk of arbitrary, incommunicado detention upon return as individuals with the same profile who had never left Rwanda. According to two confidential sources, this risk could

⁴³⁴ Confidential source, February 2023.

⁴³⁵ Halfway houses are homes close to the family/community that allow the released person to slowly rejoin society without immediately returning home entirely.

⁴³⁶ Confidential source, February 2023; Confidential source, April 2023.

⁴³⁷ Confidential source, February 2023; Confidential source, February 2023; Confidential source, February 2023; Confidential source, April 2023.

⁴³⁸ Confidential source, February 2023.

⁴³⁹ Confidential source, February 2023; Confidential source, April 2023.

⁴⁴⁰ Confidential source, February 2023.

⁴⁴¹ Confidential source, February 2023; Confidential source, February 2023.

⁴⁴² Confidential source, February 2023.

⁴⁴³ Confidential source, February 2023.

mitigated by returning voluntarily and, prior to that, repenting openly and to the authorities.⁴⁴⁴

3.10 Plans for Rwanda to take over asylum seekers

3.10.1 United Kingdom

3.10.1.1 MoU

On 13 April 2022, the UK and Rwanda signed a *memorandum of understanding* (MoU) on Rwanda's readmission of certain asylum seekers. The agreement concerned asylum seekers from third countries whose asylum applications, according to the UK, were inadmissible because they had *t r a v e l l e d* illegally to the UK through a safe third country. For these asylum seekers, Rwanda would take over the asylum procedure, and persons who obtained refugee status would then be allowed to settle in Rwanda.⁴⁴⁵ No ceiling on numbers of asylum seekers to be taken over was mentioned in the MoU; according to a confidential source, the numbers mentioned on both sides vary considerably.⁴⁴⁶ It was also not specified whether any nationalities or groups would be exempted from the agreement. The agreement is for five years, after which it will be reviewed. The agreement did not address financial arrangements, but it is known that the agreement involves a significant financial envelope (reportedly at least £120 million in budget support, excluding individual budgets per person for integration and living allowance).⁴⁴⁷

3.10.1.2 Assessment of the human rights situation

In May 2022, the UK's Home Office (*Home Office*) published several country information papers on Rwanda, including a report on the human rights situation and a report on the asylum system in Rwanda.⁴⁴⁸ According to a confidential source, the Home Office prepared its own ToR for these reports as usual. According to the same source, these reports differed slightly from the regular country information reports in that the research had also looked at the situation for non-Rwandans. During the research for the reports, research findings were used as input for negotiations with Rwanda.⁴⁴⁹

3.10.1.3 Comments on the MoU

⁴⁴⁴ Confidential source, March 2023.

⁴⁴⁵ *Memorandum of Understanding between the UK and Rwanda for the provision of an asylum partnership arrangement*, [Memorandum of Understanding between the government of the United Kingdom of Great Britain and Northern Ireland and the government of the Republic of Rwanda for the provision of an asylum partnership arrangement - GOV.UK \(www.gov.uk\)](#), accessed 14 March 2023; *Note Verbale on assurances in paragraphs 8 and 10 of the MoU between the United Kingdom and Rwanda for the provision of an asylum partnership arrangement*, 22 November 2022, [Note Verbale on assurances in paragraphs 8 and 10 of the MoU between the United Kingdom and Rwanda for the provision of an asylum partnership arrangement \(accessible\) - GOV.UK \(www.gov.uk\)](#), accessed 14 March 2023.

⁴⁴⁶ Confidential source, April 2023.

⁴⁴⁷ *Memorandum of Understanding between the UK and Rwanda for the provision of an asylum partnership arrangement*, [Memorandum of Understanding between the government of the United Kingdom of Great Britain and Northern Ireland and the government of the Republic of Rwanda for the provision of an asylum partnership arrangement - GOV.UK \(www.gov.uk\)](#), accessed 14 March 2023; Confidential source, April 2023.

⁴⁴⁸ UK Home Office, *Rwanda: country policy and information notes*, 7 May 2022, [Rwanda: country policy and information notes - GOV.UK \(www.gov.uk\)](#), accessed 18 April 2023.

⁴⁴⁹ Confidential source, April 2023.

The UK *House of Lords* committee that normally considers treaties took a position on the MoU in October 2022, despite the fact that political agreements such as an MoU do not have to be submitted to parliament. According to the committee, the agreement had far-reaching human rights implications and therefore should not have been concluded in the form of an MoU. This is because an MoU is not enforceable under international law. In order for the UK to legally enforce the commitments made by the Rwandan authorities to fully protect the rights of the asylum seekers concerned, the committee - supported in this by the *Uk Law Society* - said the agreement should have been concluded in the form of a treaty.⁴⁵⁰

The UN refugee agency UNHCR spoke out against the agreement, considering that it aims to shift responsibility [for the processing of asylum claims] and lacks the necessary safeguards, and as such is 'incompatible with the letter and spirit' of the Refugee Convention.⁴⁵¹ It also expressed concern that the agreement would lead to violations of the principle of non-refoulement.⁴⁵² It recalled that Rwanda had not been able to provide security or durable solution to persons previously transferred by Israel to Rwanda under a bilateral agreement.⁴⁵³ Both the UK *Migration Policy Institute* and UNHCR called the agreement an attempt to evade fair burden-sharing between developing countries and the rest of the world with regard to refugee protection.⁴⁵⁴ The UN Special Rapporteur on Trafficking in Human Beings expressed concern that the agreement would contribute to an increase in human trafficking.⁴⁵⁵

3.10.1.4 Legal tenability of the MoU

In June 2022, two months after the signing of the MoU, the first plane to transfer asylum seekers to Rwanda was grounded in the UK as a result of interim measures (*interim measures*) by the ECHR.⁴⁵⁶

In December 2022, the UK court ruled that the agreement had legal standing.⁴⁵⁷ According to the court, the UK government had conducted thorough research

⁴⁵⁰ House of Lords, International Agreements Committee, *7th Report of Session 2022-23, Memorandum of Understanding between the UK and Rwanda for the provision of an asylum partnership arrangement*, 18 October 2022; The Law Society, UK-Rwanda MoU for the provision of an asylum partnership arrangement - Law Society response, 7 February 2023.

⁴⁵¹ UNHCR Analysis of the Legality and Appropriateness of the Transfer of Asylum Seekers under the UK-Rwanda arrangement, 8 June 2022, <https://www.unhcr.org/uk/media/unhcr-analysis-legality-and-appropriateness-transfer-asylum-seekers-under-uk-rwanda>, § 26.

⁴⁵² The principle of non refoulement means that no one should be deported to a country where he or she might face torture and/or cruel, inhumane or degrading treatment.

⁴⁵³ UNHCR, *Analysis of the legality and appropriateness of the transfer of asylum-seekers under the UK-Rwanda arrangement*, 8 June 2022.

⁴⁵⁴ Migration Policy Institute, *The UK-Rwanda Agreement Represents Another Blow to Territorial Asylum*, April 2022; UNHCR, *Analysis of the legality and appropriateness of the transfer of asylum-seekers under the UK-Rwanda arrangement*, 8 June 2022.

⁴⁵⁵ OHCHR, *UN expert urges UK to halt transfer of asylum seekers to Rwanda*, 17 June 2022.

⁴⁵⁶ European Court of Human Rights, *Press release, 197 (2022) Press release, The European Court grants urgent interim measure in case concerning asylum seeker's imminent removal from the UK to Rwanda*, 14 June 2022; The Guardian, *Rwanda asylum flight cancelled after 11th-hour ECHR intervention*, 14 June 2022; Asia News Monitor, *United Kingdom/Rwanda: UK migrant deportations to Rwanda set to go ahead after NGOs lose legal challenge*, 13 June 2022.

⁴⁵⁷ *AAA and others vs Secretary of State for the Home Department*, 19 December 2022, [AAA and others -v- Secretary of State for the Home Department - Courts and Tribunals Judiciary](#), accessed 14 March 2023.

done before designating Rwanda as a safe third country.⁴⁵⁸ However, the court did overturn the UK government's earlier decisions to deport eight asylum seekers. The court ruled that the UK government had not given sufficient reasons why the asylum applications were inadmissible.⁴⁵⁹

In January 2023, an appeal against the UK court ruling was declared admissible on a number of points. These points concerned whether or not the policy of transferring third-country asylum seekers to Rwanda was systematically unfair, and whether the UK was entitled to rely solely on guarantees issued by the Rwandan authorities.⁴⁶⁰

It is still unclear when the appeal procedures will be completed.⁴⁶¹ On 11 April 2023, the ECtHR invited the UK to submit a view on the complaint filed. With that communication, the substantive hearing of the case by the Court started.⁴⁶² It will not be known whether the UK-Rwandan MoU and the policy based on it are in line with the European Convention on Human Rights until after the ECtHR's ruling in this and similar cases.

At the end of the reporting period of this official report, no asylum seekers had been transferred to Rwanda.⁴⁶³

In March 2023, the UK launched a \$54.3 million project to fund shelters for an expected 1,500 asylum seekers under the UK-Rwanda agreement.⁴⁶⁴

3.10.2 Denmark

On 9 September 2022, the Rwandan and Danish authorities signed a declaration stating their joint ambition to reach a mechanism for the transfer of asylum seekers.⁴⁶⁵ By the end of the reporting period, no agreement had been reached. Following Denmark's elections in late 2022, the Danish Minister for Migration and Integration indicated that Denmark's goal was still to reach an agreement with Rwanda, but that it was pausing for a moment to see if it was possible to join forces with other EU countries.⁴⁶⁶

⁴⁵⁸ UK Constitutional Law Association, *UK Government Assessments of Risk to Refugees and ECHR Constraints on UK Immigration Policy in the Rwanda Ruling*, 7 February 2023; UK Home Office, *Review of asylum processing Rwanda: assessment*, May 2022; UK Home Office, *Review of asylum processing Rwanda: country information on the asylum system*, May 2022; UK Home Office, *Review of asylum processing Rwanda: country information on general human rights*, May 2022, [Rwanda: country policy and information notes - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/115444/Rwanda_country_policy_and_information_notes_-_GOV.UK_(www.gov.uk).pdf), accessed 14 March 2023; Confidential source, February 2023.

⁴⁵⁹ The Guardian, *Judges allow partial appeal against Rwanda asylum seeker ruling*, 16 January 2023.

⁴⁶⁰ Reuters, *London court allows appeal over UK's Rwanda migrant plan*, 17 January 2023.

⁴⁶¹ Confidential source, February 2023.

⁴⁶² European Court of Human Rights, *ECtHR 112 (2023) Press release: Notification of case concerning asylum seeker's removal from the UK to Rwanda*, 11 April 2023.

⁴⁶³ UK Parliament, House of Lords website, [UK-Rwanda asylum agreement: why is it a memorandum of understanding and not a treaty? - House of Lords Library \(parliament.uk\)](https://www.parliament.uk/business/committees/committees-a-z/commons-only/foreign-affairs-and-international-development/committees/foreign-affairs-and-international-development-sub-committees/foreign-affairs-and-international-development-sub-committee-on-refugees-and-migration/), accessed 14 March 2023.

⁴⁶⁴ The New Times, *Kagame, UK Home Secretary discuss migration partnership*, 19 March 2023.

⁴⁶⁵ SchengenVisaInfo News, *Denmark & Rwanda Sign Declaration on Possible Transfer of Asylum Seekers*, 13 September 2022, [Denmark & Rwanda Sign Declaration on Possible Transfer of Asylum Seekers - SchengenVisaInfo.com](https://www.schengenvisa.info/en/news/denmark-rwanda-sign-declaration-on-possible-transfer-of-asylum-seekers/), accessed 14 March 2023.

⁴⁶⁶ Anadolu Agency, *Denmark puts asylum centre talks with Rwanda on back burner*, 25 January 2023; Confidential source, January 2023; Confidential source, February 2023.

In 2021, the African Union (AU) condemned Denmark's new Aliens Act that allows asylum seekers to be transferred to third countries. The organisation accused Denmark of shirking its responsibilities for equal burden-sharing as enshrined in the Refugee Convention, as the poorest countries already host 85% of the world's refugees.⁴⁶⁷

⁴⁶⁷ African Union, *Press Statement on Denmark's Alien Act provision to Externalise Asylum procedures to third countries*, 2 August 2021.

4 Detention

4.1 Detention conditions

Detention conditions should distinguish between prisons, which fall under the RCS, transit centres and army and police detention centres. Since 2021, prisons in the RCS no longer fell under the Ministry of Justice but under the Ministry of Internal Security.⁴⁶⁸ During the reporting period, the Rwandan authorities sometimes restricted independent observers' access to prisons, making it difficult to get a complete picture of what was happening there.⁴⁶⁹

4.1.1 Prisons

As a preliminary point, it can be said about detention conditions in RCS prisons that they generally approached international standards⁴⁷⁰ but there was severe overcrowding with all kinds of consequences for hygiene and food supply. There were also reports of different, worse treatment for certain prisoners.⁴⁷¹

4.1.1.1 New prison in Kigali

In 2017, two prisons, namely Gasabo and Kigali Central Prison, were closed due to age. Prisoners were transferred to a new prison called Nyarugenge, in the Mageragere sector on the outskirts of Kigali.⁴⁷² Work was still ongoing on the prison at the end of the reporting period; for example, a dining hall was under construction, and the road from Kigali to the prison was being paved.⁴⁷³ The new prison in Mageragere had a capacity of 12,000 beds, 1,500 of which were in the women's wing. There was also a special ward for international detainees (see also section 4.1.1.7).⁴⁷⁴

4.1.1.2 Overcrowding in prisons

In the prison information database *World Prison Brief*, Rwanda ranked second in the world's ranking of countries with the highest number of prisoners per population after the US in 2021; in Rwanda, it was 580 per 100,000 inhabitants. In 2021, there were 629 in the US and 60,⁴⁷⁵ in the Netherlands

⁴⁶⁸ Confidential source, February 2023.

⁴⁶⁹ Human Rights Watch, *2019 World report. Events of 2018*, 2019, pp. 493-494; Human Rights Watch, *2020 World report. Events of 2019, 2020*, p. 484; Human Rights Watch, *2022 World report. Events of 2021, 2022*; Confidential source, February 2023; Confidential source, February 2023; Confidential source, February 2023.

⁴⁷⁰ For more information on international standards on detention conditions, see: Association for the Prevention of Torture, *Material conditions of detention*, [Material conditions of detention | Association for the Prevention of Torture \(apt.ch\)](https://www.appt.ch/en/material-conditions-of-detention), accessed 16 April 2023.

⁴⁷¹ US Department of State, *2022 country report on human rights practices*, Rwanda, 2023, p. 5; Confidential source, February 2023; Confidential source, February 2023; Confidential source, February 2023.

⁴⁷² Rwanda Correctional Service website, [NYARUGENGE Correction Facility - RWANDA CORRECTIONAL SERVICE \(rcs.gov.rw\)](https://www.rcs.gov.rw), accessed 26 March 2023; Confidential source, February 2023; Confidential source, February 2023.

⁴⁷³ Confidential source, February 2023.

⁴⁷⁴ Rwanda Corrections Service website, [NYARUGENGE Correction Facility - RWANDA CORRECTIONAL SERVICE \(rcs.gov.rw\)](https://www.rcs.gov.rw), accessed 23 February 2023; The East African, *End of an era, as first inmates leave Nyarugenge prison*, 24 February 2017; Confidential source, February 2023; Confidential source, February 2023.

⁴⁷⁵ Rwanda Today, *Slow wheels of justice trigger crowding crisis in prisons*, 22 August 2022; World Prison Brief, *World Prison Population List*, 2021.

At the end of the previous reporting period, there was no overcrowding in Rwanda's prisons: in 2015, the prison population consisted of 54,000 prisoners compared to a capacity of 54,700.⁴⁷⁶ During the reporting period of this official report, overcrowding increased sharply. In May 2022, 84,710 prisoners were held in the 13 prisons Rwanda had. This represented an occupation rate of 174%.⁴⁷⁷

Occupancy rates developed as follows:

2014-2015: 99.6%
 2015-2016: 96.9%
 2016-2017: 114.60%
 2017-2018: 114.5%
 2018-2019: 124.8%.

Rwamagana prison in *Eastern Province* was the most overcrowded prison in 2022, with more than double the number of prisoners compared to capacity.⁴⁷⁸

Prison overcrowding had a major impact on the quality of life in prisons, especially in terms of hygiene and food supply.⁴⁷⁹

4.1.1.3

Placement of prisoners

Prisoners were generally placed in a prison in their area of origin and near family. This provided opportunities for the family to visit the prisoner and make additions to the prison's services.⁴⁸⁰ Prisoners could reportedly apply for transfer if they wanted to be placed elsewhere.⁴⁸¹ Delivered prisoners were taken to Mageragere prison on arrival, and then transferred to Nyanza for their trial, as that is where the specialised international chamber of the high court is located.⁴⁸²

Placements were made regardless of the offence for which they were or had been tried; convicted genocide offenders and detainees for commune offences shared the same accommodation areas.⁴⁸³ The ratio of those convicted of genocide to other detainees decreased over the reporting period. By 2022, 27,604 prisoners had been convicted of genocide, while 42,548 had been convicted of commune offences.⁴⁸⁴

⁴⁷⁶ Ministry of Foreign Affairs, *Thematic official report Rwanda*, 18 August 2016, p. 56.

⁴⁷⁷ Transparency International and Legal Aid Forum, *Policy research on the implementation of alternatives to imprisonment in Rwanda*, August 2022, p. 32; Confidential source, December 2022.

⁴⁷⁸ Transparency International and Legal Aid Forum, *Policy research on the implementation of alternatives to imprisonment in Rwanda*, August 2022, p. 11.

⁴⁷⁹ Confidential source, February 2023; Confidential source, February 2023.

⁴⁸⁰ UNDP, Project document: Strengthening the Rule of Law in Rwanda: Justice, peace and security for the people, 2018, p. 7; Confidential source, February 2023; Confidential source, February 2023; Confidential source, February 2023; Confidential source, February 2023; Confidential source, February 2023.

⁴⁸¹ Confidential source, February 2023.

⁴⁸² The New Times, *International crimes High Court inaugurated in Nyanza*, 29 June 2018; International Commission of Jurists, *Initial Case report Venant R., July-August 2021*, § 41-42; Confidential source, February 2023; Confidential source, February 2023.

⁴⁸³ UNDP, Project document: Strengthening the Rule of Law in Rwanda: Justice, peace and security for the people, 2018, p. 7; Confidential source, February 2023; Confidential source, February 2023; Confidential source, February 2023; Confidential source, February 2023; Confidential source, February 2023.

⁴⁸⁴ Transparency International and Legal Aid Forum, *Policy research on the implementation of alternatives to imprisonment in Rwanda*, August 2022, p. 11; Confidential source, February 2023.

Convicts and remand prisoners also shared the same quarters, and were not distinguishable from each other other other other than by the colour of their uniforms: remand prisoners wore pink and convicts wore orange.⁴⁸⁵ Similarly, in the international wings, remand prisoners and convicts shared the same quarters.⁴⁸⁶ Because they did not wear uniforms, the distinction was not visible. The total number of pretrial detainees was relatively high, at 18 per cent of the entire prison population in 2022; however, this was a large decrease compared to the years 2019-2021, when the absolute number of pretrial detainees was still three times higher.⁴⁸⁷

Women and minors

Men and women were detained separately.⁴⁸⁸ Women were allowed to keep their children with them until the age of three.⁴⁸⁹ Rwanda had one prison for minors and one for women only. Not all prisons had a women's wing. As a result, women and children were often further away from their families, which could affect the extent to which they could be visited and supported by their families. Incidentally, parents of children in juvenile prisons did receive an allowance to visit their children.⁴⁹⁰

4.1.1.4 Prison Administration

A Rwandan prison was largely based on the principle of self-reliance and self-sufficiency. For instance, prisoners grew much of their own food and kept (poultry) cattle. They were also responsible themselves for the layout of the (large open) dormitories and the cleaning of these and other communal areas. For this, they formed committees. Prison staff ensured that hygiene requirements were met.⁴⁹¹

Incoming inmates were examined at a prison clinic to see if they had chronic illnesses or needed medication. They were then registered in the electronic case management system. Among other things, this system sent a notification when the release date was approaching, so that detainees did not spend too long in remand or detention.⁴⁹²

4.1.1.5 Facilities

There were washrooms in all wings. There were - depending on the prison - classrooms and workshops for weaving, sewing, hairdressing, electrical engineering, handicrafts and furniture making. Agriculture and horticulture were also practised,

⁴⁸⁵ UNDP, Project document: Strengthening the Rule of Law in Rwanda: Justice, peace and security for the people, 2018, p. 7; Confidential source, February 2023; Confidential source, February 2023; Confidential source, February 2023; Confidential source, February 2023; Confidential source, February 2023; Confidential source, February 2023.

⁴⁸⁶ International Commission of Jurists, *Final monitoring report Jean Baptiste M.*, 16 June 2022, pp. 12-13.

⁴⁸⁷ Transparency International and Legal Aid Forum, *Policy research on the implementation of alternatives to imprisonment in Rwanda*, August 2022, p. 6.

⁴⁸⁸ US Department of State, *2021 country report on human rights practices*, Rwanda, 2022, p. 5; Confidential source, February 2023; Confidential source, February 2023; Confidential source, February 2023.

⁴⁸⁹ US Department of State, *2022 country report on human rights practices*, Rwanda, 2023, p. 5; Confidential source, February 2023.

⁴⁹⁰ Confidential source, February 2023; Confidential source, February 2023; Confidential source, February 2023; Confidential source, April 2023.

⁴⁹¹ Ministry of Foreign Affairs, *Thematic official report Rwanda*, August 2016, pp. 58-59; Confidential source, February 2023; Confidential source, February 2023, Confidential source, April 2023.....

⁴⁹² Ministry of Foreign Affairs, *Thematic official report Rwanda*, August 2016, pp. 58-59; Confidential source, February 2023; Confidential source, February 2023; Confidential source, February 2023.

sports, construction, car repair, music, dance and drama, and literacy. Upon completion of some technical courses, participants received official diplomas or certificates issued by the Ministry of Education. There were televisions in the prisons and prisoners could at least watch the news and football matches. During the COVID-19 lockdown of 2020 and 2021, prisoners had no visiting rights; since 2022, Friday was again the general visiting day. Detainees were allowed to practice their religion.⁴⁹³

According to the RCS, each prison had large dormitories (one hundred to one hundred and fifty people) with triple bunk beds, toilets, sports facilities, a clinic, a reception area, a kitchen, water and electricity.⁴⁹⁴ The services offered were basically the same in all prisons but there were differences due to the age of the buildings, the distance from the capital (and the logistical complications this could create), and the degree of overcrowding.⁴⁹⁵ With the exception of international prisoners covered by the Transfer Law, prisoners were given one meal a day. Family members were allowed to leave money with which prisoners could buy extra food from the prison shop, but according to several sources, food security was a problem in prisons. This was compounded by the increasing overcrowding in the prisons (see also section 4.1.1.2) and the fact that the prisons were closed for visits during the years 2020-2021 due to the COVID-19 pandemic. Family members were thus unable to make additions to prison facilities at that time.⁴⁹⁶

Medical facilities for detainees

According to a confidential source, minimum standards for medical supervision in prisons were generally met. However, there could be logistical and budgetary problems⁴⁹⁷ partly due to prison overcrowding.⁴⁹⁸

Mageragere prison had two laboratories, a pharmacy, general practitioners and a psychologist; Nyanza prison had 10 nurses and two lab technicians. The seriously ill were referred to nearby hospitals or, when necessary, to King Faisal Hospital in Kigali. The clinics also had facilities for HIV patients: they received new HIV inhibitors every month. All costs were covered by insurance, supplemented by the authorities.⁴⁹⁹

Persons extradited under the Transfer Law received special medical supervision.⁵⁰⁰ One of those extradited by the Netherlands indicated to the independent observer that the prison director did his best to ensure that his meals were provided according to the doctor's instructions.⁵⁰¹

⁴⁹³ Ministry of Foreign Affairs, *Thematic official report Rwanda*, August 2016, pp. 58-59; Confidential source, February 2023; Confidential source, February 2023.

⁴⁹⁴ Ministry of Foreign Affairs, *Thematic official report Rwanda*, August 2016, pp. 58-59; Confidential source, February 2023; Confidential source, February 2023.

⁴⁹⁵ Confidential source, February 2023; Confidential source, February 2023; Confidential source, February 2023.

⁴⁹⁶ US Department of State, *2021 country report on human rights practices*, Rwanda, 2022, p. 5; Confidential source, February 2023; Confidential source, February 2023; Confidential source, February 2023.

⁴⁹⁷ Confidential source, February 2023.

⁴⁹⁸ Transparency International and Legal Aid Forum, *Policy research on the implementation of alternatives to imprisonment in Rwanda*, August 2022.

⁴⁹⁹ Confidential source, February 2023; Confidential source, February 2023.

⁵⁰⁰ Confidential source, February 2023.

⁵⁰¹ International Commission of Jurists, *Final monitoring report Jean Baptiste M.*, 16 June 2022, p. 13.

4.1.1.6 Detention conditions for genocide perpetrators

There was no difference in treatment in official prisons between those detained for their role in the genocide and other detainees. Nor was there any difference in treatment between those convicted after deportation and other prisoners, with the exception of Léon Mugesera, for whom it had been stipulated by the Canadian authorities that his deportation was under the Transfer Law (see also section 3.3.3).⁵⁰² There was no reason to think that regular prisoners were treated differently by the prison authorities than international prisoners⁵⁰³, but the living conditions of prisoners in the international wings were decidedly more comfortable (see also section 4.1.1.7).⁵⁰⁴ At the same time, prisoners in the official prison system, i.e. including persons convicted of genocide, were generally treated better than prisoners in extrajudicial detention centres and transit centres (for more information, see sections 4.1.2 and 4.1.3).

4.1.1.7 Detention conditions under Transfer Law

The prisons in both Mageragere (Kigali)⁵⁰⁵ and Nyanza had dedicated wings for prisoners extradited under the Transfer Law. These wings were completely closed off from the other wings.⁵⁰⁶ Since the relocation in 2018 of the specialised international chamber of the High Court from Kigali to Nyanza, extradited suspects were accommodated in Kigali prison on arrival in Rwanda and then transferred to Nyanza (a few hours' drive from Kigali). There they stayed as long as their trial was ongoing. After a verdict, these prisoners could choose between the international wings of Kigali or Nyanza. Mageragere (Kigali) had 100 cells for international detainees, Nyanza 32. The cells in Nyanza were larger than those in Mageragere. Both international wings held only male prisoners. The prison in Nyanza had no women's wing at all, and in Mageragere there was no international section in the women's wing.⁵⁰⁷

Detention conditions in the international wings at Mageragere and Nyanza differed from those in the wings for other prisoners. In the international wings, detainees each had a private, spacious cell with a bed, a table and a chair and a private bathroom with shower and toilet. They received three meals a day and access to sports facilities and medical care at Kigali's main hospital.⁵⁰⁸ Detainees had the right to wear their own clothes and did not have to wear the prison uniform⁵⁰⁹ worn by other prisoners. They were let out of their cells at 6am in the morning and had to return to them at 9am in the evening. Some inmates had purchased their own television sets.⁵¹⁰ According to a confidential source, the difference in

⁵⁰² Confidential source, February 2023; Confidential source, February 2023; Confidential source, February 2023; Confidential source, February 2023.

⁵⁰³ International prisoners here refers to those who were in the so-called international wings of the prisons. These could be Rwandans arrested abroad and extradited to Rwanda - or, in the case of Mugesera, deported to Rwanda - or foreign prisoners convicted by an international tribunal and serving their sentences in Rwanda.

⁵⁰⁴ Confidential source, February 2023; Confidential source, February 2023; Confidential source, February 2023.

⁵⁰⁵ Also referred to as Nyarugenge.

⁵⁰⁶ Confidential source, February 2023; Confidential source, February 2023.

⁵⁰⁷ The New Times, *International crimes High Court inaugurated in Nyanza*, 29 June 2018; Confidential source, February 2023; Confidential source, February 2023.

⁵⁰⁸ International Commission of Jurists, *Final monitoring report Jean Claude I.*, August 2021; International Commission of Jurists, *Final monitoring report Jean Baptiste M.*, 16 June 2022; Confidential source, March 2023.

⁵⁰⁹ Prisoners wear a pink uniform while awaiting sentencing, and an orange one after sentencing.

⁵¹⁰ Confidential source, February 2023; Confidential source, February 2023.

prison conditions for international and national prisoners in Rwandan public opinion as painful, but was not a major topic of conversation.⁵¹¹

Reports on the cases of suspects extradited from the Netherlands showed that the suspects generally found their detention conditions acceptable.⁵¹² However, two of the suspects did complain in recent years about alleged spying via computers. For one of them, this was a regularly recurring complaint.⁵¹³ There were also complaints that the suspects' conversations with their lawyers were not sufficiently confidential.⁵¹⁴ Furthermore, there were occasional complaints about visitation arrangements and limited opportunities to call family members,⁵¹⁵ as well as transport to and from court.⁵¹⁶ According to confidential sources, the Rwandan prison authorities were generally open to discussing detention conditions, both with the suspects and observers, and adjustments were made where possible.⁵¹⁷

In 2020, the African Court on Human and Peoples' Rights ruled that Léon Mugesera had been subjected to cruel, inhuman and degrading treatment in the form of (death) threats and being deprived of food and communication with family and his lawyer.⁵¹⁸ Rwanda did not allow itself to be represented at this trial because it did not recognise the court's jurisdiction.⁵¹⁹ From the records of the trial, it could not be ascertained where Mugesera, who had been deported by Canada in 2012 and for whom Canada had stipulated that the Transfer Law applied to him (see also section 3.3.3), resided at the time of this cruel, inhuman and degrading treatment. He had filed his lawsuit in 2017. Only from 2016 - around the time of his conviction - was he detained in the international wing of the prison in Nyanza.⁵²⁰ Although it could not be established where he was detained from 2012 to 2016, it can be assumed that it was in the former *Central Prison 1930* in Kigali, as the specialised international chamber of the High Court was located in Kigali until 2018 (see also sections 3.1.1 and 3.5.2). This

⁵¹¹ Confidential source, February 2023.

⁵¹² International Commission of Jurists, *Monitoring Report Jean Claude I. November-December 2016*, §20; International Commission of Jurists, *Monitoring Report Jean Claude I. October 2017*, §6; International Commission of Jurists, *Monitoring Report Jean Claude I. April-May 2019*, §12; International Commission of Jurists, *Monitoring Report Venant R. March-May 2022*, §32; International Commission of Jurists, *Monitoring Report Jean Claude I., November-December 2018*, §256.

⁵¹³ International Commission of Jurists, *Monitoring Report Jean Claude I., February-April 2019*-, §29, 34, 35, 40, 43; International Commission of Jurists, *Monitoring Report Jean Claude I. October-December 2020*, §63, 67, 94; International Commission of Jurists, *Monitoring Report Jean Claude I., December 2020-February 2021*, §58; International Commission of Jurists, *Monitoring Report Jean Baptiste M., February-April 2019*, §14, 19.

⁵¹⁴ International Commission of Jurists, *Monitoring Report Jean Claude I., November-December 2018*, §79; International Commission of Jurists, *Monitoring Report Jean Claude I. July-September 2018*, §20, 34; International Commission of Jurists, *Monitoring Report Jean Claude I. November-December 2016*, §79.

⁵¹⁵ International Commission of Jurists, *Monitoring Report Jean Baptiste M., May-June 2017*, § 31; International Commission of Jurists, *Monitoring Report Jean Baptiste M., August-September 2017*, § 23; International Commission of Jurists, *Monitoring Report Jean Baptiste M., October-November 2018*, § 36; International Commission of Jurists, *Monitoring Report Jean Claude I., November-December 2016*, § 61; International Commission of Jurists, *Monitoring Report Jean Claude I., May-June 2017*, § 46-47; *Monitoring Report Venant R., October-December 2021*, § 36.

⁵¹⁶ International Commission of Jurists, *Monitoring Report Jean Baptiste M., December 2019-February 2020*, §8; International Commission of Jurists, *Monitoring Report Jean Claude I., February-April 2019*, §3-6, 29.

⁵¹⁷ Confidential source, March 2023; Confidential source, April 2023.

⁵¹⁸ African Court on Human and Peoples' Rights, *Judgment in the matter of Léon Mugesera vs the State of Rwanda, Application no 012/2017*, 27 November 2020, paragraphs 87-91.

⁵¹⁹ African Court on Human and Peoples' Rights, *Judgment in the matter of Léon Mugesera vs the State of Rwanda, Application no 012/2017*, 27 November 2020, § 2.

⁵²⁰ IRMCT, *Request for revocation of order referring the Jean Uwinkindicase, transferred to Rwanda by the ICTR in 2012*, [MSC9306R0000513009.pdf \(irmct.org\)](#), paragraphs 33, 35, 37 and 41, from which it can be seen that Mugesera was in the Delta wing of Mpanga prison in Nyanza.

Central Prison 1930 had adapted wings for transferred prisoners, according to US *Department of State* human rights reports.⁵²¹ It could not be established what the detention conditions in these wings were like compared to the international wings in the new Mageragere prison in Kigali and Mpanga prison in Nyanza described above.

4.1.1.8

Detention conditions for persons seen as a threat to state security

Correct prison conditions could not be guaranteed for political prisoners and other persons seen as a threat to Rwanda's security and stability. They were regularly detained incommunicado in extrajudicial detention centres, particularly during interrogations (see also section 4.2.1).⁵²² According to confidential information, political prisoners in Mageragere prison were isolated from other prisoners, were allowed out of their cells for only two hours a day and were not allowed to participate in activities (see also section 4.2.2).⁵²³

According to her lawyer, prison authorities denied Victoire Ingabire the right to communicate with her family in 2017 after the African Court on Human and Peoples' Rights ruled that Ingabire had not had a fair trial.⁵²⁴

4.1.2

Transit and rehabilitation centres

In addition to the official prison system, Rwanda had 28 so-called transit centres and three rehabilitation centres. These centres were covered by the 2017 National Rehabilitation Act, which allowed individuals who displayed 'deviant behaviour' to be detained for two months without any legal accountability and then transferred to rehabilitation centres. A ministerial decree of April 2018 defined deviant behaviour as 'prostitution, drug use, begging, vagrancy, informal street vending and any other behaviour that is harmful to the public'.⁵²⁵ The Rwandan government set itself the goal of eliminating 'deviant behaviour', and re-educating street children and reuniting them with their families

⁵²¹ US Department of State, 2012 *Country report on human rights practices Rwanda*, 2013; 2013 *Country report on human rights practices Rwanda*, 2014; 2014 *Country report on human rights practices Rwanda*, 2015; 2015 *Country report on human rights practices Rwanda*, 2016.

⁵²² US Department of State, 2021 *country report on human rights practices*, Rwanda, 2022, p. 3; Confidential source, February 2023.

⁵²³ Confidential source, June 2022.

⁵²⁴ BBC Monitoring, *Rwanda ignores African court ruling on opposition leader*, 29 May 2018.

⁵²⁵ Rwanda National Rehabilitation Service website, *Ministerial order, Ministerial Order determining mission, organisation and functioning of transit centres.pdf (nrs.gov.rw)*, accessed 18 March 2023; Human Rights Watch, 2021 *World report. Events of 2020*, 2021, p. 576; The New Times, *Delinquents Joining Transit Centres to Be Quarantined*, 31 March 2020; Rwanda National Rehabilitation Service website, *District Transit Centres, District Transit Centres (nos.gov.rw)*, accessed 18 March 2023; Rwanda National Rehabilitation Service website, *Organigram, National Rehabilitation Service Organisation Structure.pdf (nos.gov.rw)*, accessed 18 March 2023.

reunite.⁵²⁶ These transit centres sometimes also detained lhbtiq+ individuals.⁵²⁷

Detention conditions in transit centres were poor. Detainees, including small children, were beaten, and authorities did not provide basic amenities such as food or clean water. Detainees sometimes slept without a mattress on the floor.⁵²⁸ In February 2020, the UN Committee on the Rights of the Child expressed concern about the detention of street children in transit centres.⁵²⁹ The Gikondo Transit Centre in Kigali, popularly known as *Kwa Kabuga*, was still in operation during the reporting period despite a 2008 Senate call to close it due to substandard detention conditions.⁵³⁰

4.1.3 Extrajudicial detention centres of army and police

During the reporting period, individuals were detained in police or army cells in extrajudicial detention centres. Information on detention conditions in these detention centres was difficult to obtain because observers did not have access to them.⁵³¹ Nevertheless, during the reporting period, there were reports of ill-treatment and intimidation by police, military intelligence and prison guards, and inadequate access to food, water and health care.⁵³² Reports of ill-treatment and torture by military intelligence mainly concerned political opponents or persons perceived as a threat to state security. The mistreatment was said to be mainly aimed at obtaining information.⁵³³ The Kwa Gacinya centre was a police extrajudicial detention centre in Kigali often mentioned in reports of mistreatment.⁵³⁴

4.2 Abuse and torture in detention

⁵²⁶ Top Africa News, *Rwanda pledges to eradicate delinquency, demands security forces to intervene*, June 2018, <https://www.topafricanews.com/2018/06/07/rwanda-pledges-to-eradicate-all-forms-of-delinquency-demandss-security-forces-to-intervene/>, accessed 12 March 2023; The New Times, *Delinquents Joining Transit Centres to Be Quarantined*, 31 March 2020.

⁵²⁷ Human Rights Watch, *2020 World report. Events of 2019*, 2020, p. 484; Human Rights Watch, *2022 World Report 2022. Events of 2021*, 2021, p. 566.

⁵²⁸ US Department of State, *2021 country report on human rights practices*, Rwanda, 2022, p. 5; Human Rights Watch, *Rwanda: Submission to the UN Committee on Economic, Social and Cultural Rights*, 17 January 2023; Human Rights Watch, *2020 World report. Events of 2019*, 2020, p. 484; Human Rights Watch, *2021 World report. Events of 2020*, 2021, p. 576; Confidential source, February 2023.

⁵²⁹ Committee on the Rights of the Child (CRC/20/05), *Experts of the Committee on the Rights of the Child hail progress in Rwanda, but express concern about street and refugee children and worst forms of child labour*, 28 January 2020.

⁵³⁰ US Department of State, *2021 country report on human rights practices*, Rwanda, 2022, p. 5; Human Rights Watch, *"As Long as We Live on the Streets, They Will Beat Us". Rwanda's Abusive Detention of Children*, 27 January 2020.

⁵³¹ Human Rights Watch, *2019 World report. Events of 2018*, 2019, pp. 493-494; Human Rights Watch, *2020 World report. Events of 2019*, 2020, p. 484; Human Rights Watch, *2022 World report. Events of 2021*, 2022; Confidential source, February 2023; Confidential source, February 2023; Confidential source, February 2023.

⁵³² Human Rights Watch, *2019 World report. Events of 2018*, 2019, pp. 493-494; Human Rights Watch, *2020 World report. Events of 2019*, 2020, p. 484; Human Rights Watch, *2022 World report. Events of 2021*, 2022; US Department of State, *2021 country report on human rights practices*, Rwanda, 2022, pp. 3-4.

⁵³³ US Department of State, *2021 country report on human rights practices*, Rwanda, 2022, pp. 3-4; Human Rights Watch, *2019 World report. Events of 2018*, 2019, pp. 493-494; Human Rights Watch, *2020 World report. Events of 2019*, 2020, p. 484.

⁵³⁴ Department of State, *Thematic Ambition Report Rwanda*, August 2016, p. 62; US Department of State, *2021 country report on human rights practices*, Rwanda, 2022, p. 3; Human Rights Watch, *2022 World report. Events of 2021*, 2022; Human Rights Watch, *2021 World report. Events of 2020*, 2021, pp. 573-575; Human Rights Watch, *Rwanda: Politician Convicted for Harming Rwanda's Image*, 18 January 2023.

4.2.1 *Abuse and torture in irregular detention*

Prisoners seen as a threat to state security, including critics of the authorities, often spent time (incommunicado) in army or police extrajudicial detention facilities.⁵³⁵ There were reports that detainees were victims of torture and ill-treatment during this extrajudicial detention.⁵³⁶ Members of the FDU-Inkingi gave interviews on YouTube after their acquittal in 2020 in which they recounted how they had been mistreated during the police investigation in detention.⁵³⁷ Paul Rusesabagina recounted being tied up, blindfolded and beaten during the first days of his detention in August 2020. In 2022, Aimable Karasira complained of ill-treatment and torture twice in court. The second time, he indicated that he had been mistreated due to the fact that he had complained about his mistreatment at his previous court appearance and the fact that he had been denied medical care.⁵³⁸ During the reporting period, at least three people died under suspicious circumstances in detention: in 2018, the lawyer Donat Mutunzi, who was known for operating independently; in 2020, the popular singer Kizito Mihigo; and in 2021, the rapper Joshua Tusyishime, known as Jay Polly.⁵³⁹

Also during this reporting period, arbitrary detention took place in so-called transit centres (see also section 4.1.2). Conditions in these centres were poor. Detainees, including small children, were beaten, and the authorities did not provide basic amenities such as food or clean water. Prisoners sometimes slept on the floor without a mattress.⁵⁴⁰ Nevertheless, according to a confidential source, torture did not seem to be an issue.⁵⁴¹

4.2.2 *Ill-treatment and torture in official detention*

According to confidential sources, the regular prison system has been professionalised over the years, and ill-treatment of prisoners in the regular prison system hardly ever occurred.⁵⁴² Also, in 2017, solitary confinement, which was part of the sentencing 'life with special facilities'⁵⁴³, was officially abolished.⁵⁴⁴

Yet there were also reports of individuals who had been victims of torture and ill-treatment and solitary confinement in official prisons. In response to Rusesabagina's complaint that he was in solitary confinement, the RCS responded that solitary confinement did not exist in Rwanda; the fact that Rusesabagina had been given a room to himself in prison was, according to the RCS, an expression of

⁵³⁵ US Department of State, *2021 country report on human rights practices*, Rwanda, 2022, pp. 8-9; Human Rights Watch, *Rwanda: Wave of free speech prosecutions*, 16 March 2022; Confidential source, February 2023; Confidential source, February 2023.

⁵³⁶ Confidential source, February 2023; Confidential source, June 2018.

⁵³⁷ Human Rights Watch, *2022 World report. Events of 2021, 2022*.

⁵³⁸ US Department of State, *2021 country report on human rights practices*, Rwanda, 2022, p. 4.

⁵³⁹ Human Rights Watch, *2019 World report. Events of 2018, 2019*, p. 494; Human Rights Watch, *2021 World report. Events of 2020, 2021*; Amnesty International, *2021 Annual report, 2022*, p. 316; Confidential source, June 2018.

⁵⁴⁰ Human Rights Watch, *Rwanda: Submission to the UN Committee on Economic, Social and Cultural Rights*, 17 January 2023; Human Rights Watch, *2020 World report. Events of 2019, 2020*, p. 484; Human Rights Watch, *2021 World report. Events of 2020, 2021*, p. 576.

⁵⁴¹ Human Rights Watch, *2019 World report. Events of 2018, 2019*, pp. 493-494; Human Rights Watch, *2022 World report. Events of 2021, 2022*; Confidential source, February 2023.

⁵⁴² Confidential source, February 2023; Confidential source, February 2023; Confidential source, February 2023.

⁵⁴³ 'Life imprisonment with special provisions for odious crimes'

⁵⁴⁴ The East African, *Solitary confinement to go in new Rwanda law proposals*, 20 October 2017; The New Times, *Rwanda: Parliament Expunges Solitary Confinement*, 3 April 2010.

policy to accommodate the specific interests of prisoners as much as possible.⁵⁴⁵

Dieudonné Niyonsenga said that in Mageragere prison he was locked in a one-by-one-metre cell full of water and mosquitoes, and that he was not allowed to move.⁵⁴⁶

According to the above-mentioned members of FDU-Inkingi who gave interviews about their mistreatment in detention, it also took place in Mageragere and Nyanza prisons.⁵⁴⁷

According to confidential information, several political prisoners in Mageragere prison were isolated from the other inmates. They were in a cell with four men, apparently in the women's wing. They were not allowed to take part in religious, sports or cultural activities and were allowed out of their cells for only two hours a day: one in the morning and one in the evening. According to information, it was not clear how many prisoners were involved.⁵⁴⁸

4.2.3 *Complaints of ill-treatment and torture*

Complaints of ill-treatment and torture could be filed through a lawyer.⁵⁴⁹ These were handled internally by the army, police and prison authorities. According to US government human rights reporting, there was no independent body to investigate this.⁵⁵⁰ According to a confidential source, the National Human Rights Commission regularly organised unannounced visits to prisons to investigate cases of torture. Since the Commission had strong ties with the authorities, according to this source, politically sensitive cases were often not acted upon.⁵⁵¹ According to other confidential sources, due to fear of repercussions, prisoners were unlikely to use the complaints procedure.⁵⁵² A confidential source stated that he had never heard of such an official complaint.⁵⁵³ Another confidential source estimated, based on his own knowledge and experience, that whether the authorities acted against such behaviour depended on who the victim was and who the perpetrator was. If the perpetrator acted on his own initiative and the victim had some degree of influence, then this could be possible.⁵⁵⁴

In the appeal against two former military officers, Colonel Tom Byabagamba and Brigadier-General Frank Rusagara, the court did not investigate the complaints of torture and ill-treatment.⁵⁵⁵ According to Aimable Karasira, in 2022, after he complained of ill-treatment and torture in court, he was again ill-treated as punishment and had been denied medical care.⁵⁵⁶

⁵⁴⁵ Rwanda Correctional Service, @RCS_Rwanda on Twitter, 5 June 2021, [Rwanda Correctional Service on Twitter: "in a shared room with several inmates when he complained of being kept in "solitary confinement", which does not exist in Rwanda's prisons. He is currently provided the same meals as the other inmates & has access to a medical doctor whenever required, as has always been the case." / Twitter](#), accessed 22 February 2023.

⁵⁴⁶ Human Rights Watch, *Rwanda: Wave of free speech prosecutions*, 16 March 2022.

⁵⁴⁷ Human Rights Watch, *2022 World report. Events 2021*, 2022.

⁵⁴⁸ Confidential source, June 2022.

⁵⁴⁹ Confidential source, February 2023; Confidential source, February 2023.

⁵⁵⁰ US Department of State, *2021 country report on human rights practices*, Rwanda, 2022, pp. 5-6.

⁵⁵¹ Confidential source, April 2023.

⁵⁵² Confidential source, February 2023; Confidential source, February 2023.

⁵⁵³ Confidential source, February 2023.

⁵⁵⁴ Confidential source, February 2023.

⁵⁵⁵ Human Rights Watch, *2021 World report. Events of 2020*, 2021, p. 573.

⁵⁵⁶ US Department of State, *2021 country report on human rights practices*, Rwanda, 2022, p. 4.

In the incommunicado prison system, there was reportedly no possibility of filing a complaint.⁵⁵⁷

4.3 Access for human rights organisations

Under the Transfer Law, the Rwandan authorities allowed monitoring of detention conditions of extradited suspects and prisoners by the International Committee of the Red Cross (ICRC) or a monitoring organisation designated by the extraditing country.⁵⁵⁸ For other prisoners, the Rwandan authorities limited observation by independent human rights organisations. For this reason, the ICRC decided to stop all observation activities in prisons in Rwanda in 2020.⁵⁵⁹

Journalists with valid press cards could visit prisoners in the designated visitors' area; they needed written permission from the RCS commissioner. In some cases, the authorities restricted access to certain prisoners.⁵⁶⁰

⁵⁵⁷ Confidential source, February 2023.

⁵⁵⁸ No 02/2013/OL of 16/06/2013, Organic Law modifying and complementing Organic Law n° 51/2008 of 09/09/2008 determining the organisation, functioning and jurisdiction of courts as modified and complemented to date (Transfer Law), article 26 Conditions of detention; US Department of State, *2021 country report on human rights practices*, Rwanda, 2022, p. 6.

⁵⁵⁹ US Department of State, *2021 country report on human rights practices*, Rwanda, 2022, p. 7; Confidential source, June 2022; Confidential source, February 2023.

⁵⁶⁰ US Department of State, *2021 country report on human rights practices*, Rwanda, 2022, p. 7; Confidential source, February 2023; Confidential source, June 2022.

5 Annexes

5.1 Abbreviations

ABA	American Bar Association
DASSO	District Administration Security Support Organ
DRC	Democratic Republic of the Congo
ECHR	European Court of Human Rights FAR Forces armées rwandaises
FDLR	Democratic Forces for the Liberation of Rwanda ICJ International Commission of Jurists
ICTR	International Criminal Tribunal for Rwanda
ICRC	International Committee of the Red Cross
IRMCT	International Residual Mechanism for Criminal Tribunals
MAJ	Maison d'Accès à la Justice
MoU	Memorandum of Understanding
MSF	Médecins Sans Frontières
OCCRP	Organised Crime and Corruption Reporting Project
OHCHR	Office of the High Commissioner for Human Rights
OPCAT	Optional Protocol to the Convention Against Torture
RBA	Rwanda Bar Association
RCS	Rwanda Correctional Service
RIB	Rwanda Investigations Bureau
RMC	Rwanda Media Commission
RNC	Rwanda National Congress
RPA	Rwanda Patriotic Army
RPD	Rwandan Platform for Democracy
RPF	Rwanda Patriotic Front
UNHCR	United Nations High Commissioner for Refugees
UK	United Kingdom

5.2 Glossary

Abunzi	Traditional mediation techniques
Divisionism	Term used for sowing divisions between population groups
Gacaca	Lay courts based on traditional customs, used in the 2000s to try (certain categories of) genocide suspects, with the aim of eliminating large backlogs and thus approaching justice as closely as possible
Interahamwe	Militias that carried out the genocide together with the Rwandan army (FAR)

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