

Country report on rwanda



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1. Summary

In 2007, significant human rights abuses occurred, although there were important improvements in some areas. Citizens' right to change their government was restricted, and extra judicial killings by security forces increased. There were reports of torture and abuse of suspects, although significantly fewer than in previous years. Police sometimes imposed collective punishments, including beatings, on residents of communities in which the property of genocide survivors had been damaged or destroyed. Prison and detention centre conditions remained harsh, although overcrowding decreased significantly during the year.

Security forces arbitrarily arrested and detained persons. Prolonged pre-trial detention was a problem, and government officials attempted to influence judicial outcomes, mostly regarding the community-based justice system known as Gacaca. There continued to be limits on freedom of speech and association, and restrictions on the press increased. Official corruption was a problem. Restrictions on civil society, societal violence and discrimination against women, recruitment of child soldiers by a DRC-based armed group, trafficking in persons, child labour, and restrictions on labour rights occurred.

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The government took demonstrable and concrete steps to advance human rights, which resulted in a June law that abolished restrictions on political party organizational efforts at the local level, a dramatic drop in reports of the torture and abuse of suspects, and passage of legislation that significantly expedited the Gacaca process. In April President Kagame

pardoned former president Pasteur Bizimungu, who was serving a 15-year prison sentence for trying to establish an opposition party in 2002. 2

2. Introduction

In 1959, three years before independence from Belgium, the majority ethnic group, the Hutus, overthrew the ruling Tutsi king. Over the next several years, thousands of Tutsis were killed, and some 150, 000 driven into exile in neighbouring countries. The children of these exiles later formed a rebel group, the Rwandan Patriotic Front (RPF), and began a civil war in 1990. The war, along with several political and economic upheavals, exacerbated ethnic tensions, culminating in April 1994 in the genocide of roughly 800, 000 Tutsis and moderate Hutus. The Tutsi rebels defeated the Hutu regime and ended the killing in July 1994, but approximately 2 million Hutu refugees - many fearing Tutsi retribution - fled to neighbouring Burundi, Tanzania, Uganda, and Zaire.

Since then, most of the refugees have returned to Rwanda, but several thousand remained in the neighbouring Democratic Republic of the Congo (DRC; the former Zaire) and formed an extremist insurgency bent on retaking Rwanda, much as the RPF tried in 1990. Despite substantial international assistance and political reforms - including Rwanda's first local elections in March 1999 and its first post-genocide presidential and legislative elections in August and September 2003 - the country continues to struggle to boost investment and agricultural output, and ethnic reconciliation is complicated by the real and perceived Tutsi political dominance.. 3

Rwanda is a small landlocked country in the Great Lakes region of east-central Africa, bordered by Uganda, Burundi, the Democratic Republic of the Congo and Tanzania. Home to approximately 10.1 million people, Rwanda supports the densest population in continental Africa, with most of the population engaged in subsistence agriculture. 4 Rwanda is now a constitutional republic dominated by a strong presidency. The population was approximately 9 million. In 2003 President Paul Kagame was elected to a seven-year term in largely peaceful but seriously marred elections. The Rwanda Patriotic Front (RPF) continued to dominate the legislature. Government authorities did not always maintain effective control of the security forces, and security forces acted independently. 5

3. Gacaca Courts

The Gacaca court is part of a system of community justice inspired by tradition and established in 2001 in Rwanda, in the wake of the 1994 Genocide. The new Rwandan Patriotic Front's government struggled with developing just means for the humane detention and prosecution of the more than 100,000 people accused of genocide, war crimes, and related crimes against humanity. By 2000, approximately 120,000 alleged genocidaires were crammed into Rwanda's prisons and communal jails⁶.

The courts needed a more expeditious means of delivering justice. In response, Rwanda implemented the Gacaca court system. However, the system has come under criticism from a number of sources, including the Survivors Fund, which represents survivors of the genocide, due to the

danger that it poses to survivors. There has been a number of reports about survivors being targeted for giving evidence at the courts. 7

The Gacaca law was amended in May 2007 to increase the number of Gacaca courts in order to speed trials of an estimated 818, 000 persons accused of genocide. The law also changed the categorization of crimes, so that more suspects will be referred to Gacaca jurisdictions, rather than to conventional courts. Previously Gacaca courts could impose no sentence longer than 30 years but the amended law authorizes them to impose life imprisonment. As before, accused persons have no right to counsel in Gacaca jurisdictions. The amended law also provides for suspended sentences and for more use of community service as an alternative to incarceration.