

## HUMAN RIGHTS WATCH

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September 5, 2012

Mr. Makhtar Diop  
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Cc: Ms. Carrie Turk, Country Manager, Rwanda  
Board of Executive Directors

## Re: Concerns About World Bank Financing in Rwanda

Dear Vice President Diop,

I am writing to urge the World Bank to review its programming in Rwanda in light of detailed evidence of human rights abuses by the Rwandan government and the Rwandan military's support for armed groups in the Democratic Republic of Congo (DRC) responsible for serious human rights violations.

Human Rights Watch is an independent, nongovernmental organization that monitors human rights developments in more than 90 countries around the world. For more than 30 years Human Rights Watch has investigated and reported on human rights abuses by governments and non-state actors such as businesses and opposition armed groups. We have advocated for enhanced protection of economic, social and cultural rights, as well as civil and political rights.

Rwanda has seen significant economic growth since the genocide in 1994 and some gains in development indicators, in part thanks to the support and assistance of the World Bank and other donors.<sup>1</sup> However, these gains have been undermined by political repression, which has included systematic violations of the rights to free expression, association, and assembly. In addition, the Rwandan military has continued to support abusive armed rebel groups in neighboring DRC, in violation of the United Nations arms embargo. Please see attached an outline of Human Rights Watch's key human rights concerns in Rwanda, which are of particular relevance to development and the World Bank's mandate.

<sup>1</sup> According to the World Bank, GDP has grown from US\$ 2.6 billion in 1990 to US\$ 6.38 billion in 2011. The under-five mortality rate has reduced from 177 per 1,000 births in 2000 to 91 in 2010, life expectancy has increased from 47 in 2000 to 55 in 2010, and primary school completion has increased from 23% in 2000 to 70% in 2010. However, the World Bank Independent Evaluation Group noted in its 2008 review that "the only evidence on poverty reduction shows little progress." Some academic studies have pointed to growing inequality and a widening gap between rich and poor, and urban and rural populations (see for example An Ansoms, "Resurrection after Civil War and Genocide: Growth, Poverty and Inequality in Post-Conflict Rwanda", in *European Journal of Development Research*, 17, no.3, 2005, and "Striving for Growth, Bypassing the Poor? A Critical Review of Rwanda's Rural Sector Policies", in *Journal of Modern African Studies*, 46, no.1, 2008).

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The Rwandan government has enjoyed strong support from the World Bank, despite clear evidence of its disregard of fundamental human rights both domestically and in neighboring Congo. The World Bank is one of the most significant donors in Rwanda, with a lending portfolio of almost US\$300 million in active projects as of March 2012, more than US\$ 100 million of which is provided as general budget support annually. In addition, the World Bank is providing approximately US\$ 88 million in Trust Funds to Rwanda. The World Bank is focusing on the key sectors of agriculture, energy, transport, skills development, demobilization and reintegration and private sector development.<sup>2</sup> An important objective of World Bank engagement has been to ensure that the most vulnerable Rwandans benefit from growth.

The World Bank has avoided expressing public concern about the Rwandan government's human rights violations. This shows a lack of respect for the World Bank's human rights obligations as a United Nations specialized agency and the human rights obligations of the World Bank's shareholders, when sitting on the board of directors.<sup>3</sup>

In relation to Rwanda's Economic Development and Poverty Reduction Strategy (EDPRS), the Rwandan government cannot be considered to have lived up to its "flagship program" of governance, in which it was supposed to not only uphold human rights and the rule of law, but empower citizens to participate in their own social, political, and economic development. In view of the fact that alignment with the EDPRS is one of the guiding principles of World Bank support, we believe that the World Bank should do more to highlight the gulf between Rwanda's commitments under the EDPRS and the day-to-day reality in the country, as described in the attached summary of concerns.

In July and August 2012, several major donors to Rwanda, including the US, the Netherlands, the UK, Germany, and Sweden, suspended or delayed part of their assistance to Rwanda following the publication of a UN Group of Experts report documenting the provision of weapons, ammunition, recruits and other support by Rwandan military officials to the Congolese armed group M23 in violation of the UN arms embargo on Congo. A key leader of the M23 is Bosco Ntaganda, a Congolese warlord turned army general wanted for war crimes and crimes against humanity by the International Criminal Court. Other donors are also currently reviewing their aid policy for Rwanda. The World Bank should give serious consideration to the destabilizing effect of Rwanda's actions in the region through its support for armed groups responsible for serious human rights abuses in Congo.

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<sup>2</sup>The World Bank Group, "Results Profile: Rwanda," undated, <http://go.worldbank.org/UEKJXU1SHo> (accessed September 5, 2012).

<sup>3</sup> The World Bank is a specialized agency of the UN within the meaning of article 57 of the UN Charter. Pursuant to article 55 of the UN Charter, the United Nations shall promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion. As former World Bank general counsel Ibrahim Shihata has recognized, "Members' obligations under the UN Charter prevail over their other treaty obligations, including their obligations under the [World] Bank's Articles of Agreement, by force of an explicit provision in the UN Charter (Article 103)". See Ibrahim Shihata (ed.) "Exclusion of Political Considerations in the Bank's Articles – Its Meaning and Scope in the Context of the Institution's Evolution," in *The World Bank in a Changing World: Selected Essays and Lectures*, vol. II, ed. Ibrahim Shihata (Dordrecht: Martinus Nijhoff, 1991), 76.

## Human Rights Watch urges the World Bank to:

- Raise with the Rwandan government concerns about ongoing serious human rights violations in Rwanda and continued Rwandan military support for armed groups committing human rights violations in Congo, both publicly and privately. Inform the Rwandan government that should it fail to take immediate action to address these concerns it will increasingly call into question its relationship with the World Bank.
- Review direct budget support to Rwanda in light of continued Rwandan military support of the M23, a Congolese rebel group responsible for serious human rights violations whose leaders have a well-established track record of war crimes and crimes against humanity, and ongoing human rights violations in Rwanda, particularly violations of the rights to freedom of expression, assembly, and association, while continuing to support urgent social needs through alternative funding mechanisms.
- Review all World Bank programs and projects in Rwanda to ensure that World Bank funds are not contributing to human rights abuses, directly or indirectly, either in Rwanda or in Congo. Enhance supervision and monitoring of all projects, taking into account the challenges to supervision and monitoring posed by continued absence of free expression. In particular:
  - (a) Review support to demobilization and reintegration projects in light of information that former demobilized combatants have been re-recruited in Rwanda and sent to Congo to support the M23.
  - (b) Review financing of the Ministry of Local Government in view of its role in preventing two opposition political parties from registering in advance of the 2010 elections. Advise the Rwandan government that the World Bank will not directly or indirectly fund the ministry should it continue to prevent opposition parties from registering in preparation of the forthcoming parliamentary elections in 2013.

I would also like to request a meeting with you and your colleagues to discuss these issues, at your convenience in September. Please do not hesitate to contact me on 202-612-4361 or at [evansj@hrw.org](mailto:evansj@hrw.org).

Yours sincerely,



Jessica Evans  
Senior Advocate/Researcher for International Financial Institutions  
Human Rights Watch

## Rwanda

### An Overview of Key Human Rights Concerns of Particular Relevance to World Bank Programming

September 2012

#### **Rwandan Military Support to Congolese Armed Groups Implicated in War Crimes**

The Rwandan military has a long history of involvement in the conflict in neighboring Democratic Republic of Congo (DRC). In 1996, Rwandan troops invaded eastern Congo and killed large numbers of Rwandan refugees and Congolese civilians. Since that time, they have backed a succession of Congolese armed groups who have committed serious human rights abuses against civilians in eastern Congo, notably during Congo's "second war" from 1998 to 2003, and again in 2004 and 2007-2008 when they backed the *Congrès national pour la défense du peuple* (CNDP).<sup>4</sup> These abuses have included killings of civilians, sexual violence, forced recruitment of children, arbitrary arrest, and torture. The prolonged armed conflict in Congo, which continues in the eastern part of the country, has caused massive population displacement and a humanitarian crisis. A variety of Congolese armed groups, as well as members of the Congolese army, continue to commit grave abuses.<sup>5</sup>

The most recent example of Rwandan military involvement in the DRC is its support for the M23, a Congolese armed group which has been implicated in human rights abuses and violations of the laws of war. A key leader of the M23 is Bosco Ntaganda, a Congolese warlord turned army general who is wanted on an arrest warrant from the International Criminal Court for war crimes and crimes against humanity committed between 2002 and

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<sup>4</sup> See Human Rights Watch, *DR Congo – “You Will Be Punished”: Attacks on Civilians in Eastern Congo*, December 13, 2009, <http://www.hrw.org/reports/2009/12/13/you-will-be-punished>; and Human Rights Watch, *DR Congo - Renewed Crisis in North Kivu*, October 24, 2007, <http://www.hrw.org/reports/2007/10/23/renewed-crisis-north-kivu>.

<sup>5</sup> For further information, see Human Rights Watch reports and press releases available at <http://www.hrw.org/drc>; and UN Office of the High Commissioner for Human Rights, "Report of the Mapping Exercise documenting the most serious violations of human rights and international humanitarian law committed within the territory of the Democratic Republic of the Congo between March 1993 and June 2003", August 2010, [http://www.ohchr.org/Documents/Countries/ZR/DRC\\_MAPPING\\_REPORT\\_FINAL\\_EN.pdf](http://www.ohchr.org/Documents/Countries/ZR/DRC_MAPPING_REPORT_FINAL_EN.pdf) (accessed August 31, 2012).

2004. In late March 2012, an estimated 600 to 800 soldiers mutinied from the Congolese army in eastern Congo, claiming that a peace agreement struck on March 23, 2009, which had integrated them into the national army, had not been fully implemented. In May 2012, the mutineers established a new armed group called the M23, which benefited from support from the Rwandan military in the form of weapons, ammunition, recruits, and periodic troop reinforcements. Bosco Ntaganda was shielded from arrest and transfer to the International Criminal Court by Rwandan military authorities who allowed him to enter Rwanda on several occasions unhindered.<sup>6</sup>

Human Rights Watch has continued to receive credible information on Rwandan military support for the M23 in July 2012, including the continued provision of weapons, ammunition and recruits. Rwandan soldiers and officers have also been deployed to support the M23 in offensive operations and in training new recruits.<sup>7</sup>

In its Country Assistance Strategy (CAS) for Rwanda for 2009-2012, the World Bank recognizes the potential “regional neighborhood risks including the threat of conflict and political instability in the region” and that “Rwanda’s progress in building internal security and political stability is... vulnerable to continued political instability in Eastern DRC.” However, it fails to acknowledge that the Rwandan military has actively contributed to the conflict and instability.

The Bank further suggests that its work on demobilization and reintegration “could contribute to mitigating this risk.” Yet in recent months, former M23 recruits and other sources in eastern Congo have informed Human Rights Watch that individuals recruited in Rwanda to support the M23 in Congo have included demobilized FDLR<sup>8</sup> and CNDP combatants, as well as demobilized soldiers from the Rwandan army. Some of these former combatants were told by demobilization coordinators or other former combatants to attend meetings for demobilized combatants, which they did in the hope of receiving financial support or finding employment. Instead, they were taken across the border to join the M23 in Congo.<sup>9</sup> Rwandan military authorities also recruited several hundred children

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<sup>6</sup> For further details, see “DR Congo: Rwanda Should Stop Aiding War Crimes Suspect,” Human Rights Watch news release, June 4, 2012, <http://www.hrw.org/news/2012/06/03/dr-congo-rwanda-should-stop-aiding-war-crimes-suspect-o>; and United Nations Security Council, “UN Group of Experts Interim Report,” *S/2012/348*, June 21, 2012, [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/2012/348](http://www.un.org/ga/search/view_doc.asp?symbol=S/2012/348) (accessed August 28, 2012) and “Addendum,” *S/2012/348/Add.1*, June 27, 2012, [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/2012/348/Add.1](http://www.un.org/ga/search/view_doc.asp?symbol=S/2012/348/Add.1) (accessed August 28, 2012).

<sup>7</sup> Human Rights Watch interviews in various locations in eastern DRC, July and August 2012.

<sup>8</sup> The Democratic Forces for the Liberation of Rwanda (FDLR) is a largely Rwandan armed group operating in Congo, composed in part of individuals who took part in the Rwandan genocide in 1994.

<sup>9</sup> See “DR Congo: Rwanda Should Stop Aiding War Crimes Suspect,” Human Rights Watch news release, June 4, 2012, <http://www.hrw.org/news/2012/06/03/dr-congo-rwanda-should-stop-aiding-war-crimes-suspect-o>.

under the age of 18 by force or under false pretenses in Rwanda, provided them with weapons and escorted them across the border to Congo as new recruits for the M23. Some of the children were under the age of 15. A number of the children were later summarily executed by M23 commanders when they sought to escape.<sup>10</sup>

### **Absence of Enabling Environment for Civic Participation and Social Accountability**

The World Bank has increasingly recognized the importance of civic participation and social accountability for sustainable development.<sup>11</sup> Freedom of expression, assembly, and association is integral for civic participation, yet the World Bank has failed to effectively raise concerns about the Rwandan government's persistent violation of these rights either publicly or through its programming documents. As detailed below, the Rwandan government's repression has left practically no independent journalists in Rwanda and has greatly weakened independent civil society.

The Rwandan government has routinely harassed, threatened, arrested, and charged journalists and other perceived critics with criminal offenses for critical reporting of government conduct. Charges such as supporting "genocide ideology", endangering state security and inciting public disobedience have been used to prosecute government critics. Many Rwandans live in fear of talking about certain events or expressing views which may land them in prison. The Media High Council (a government-aligned body in charge of regulating the media) suspended two of the most popular newspapers, *Umuseso* and *Umuvugizi*, in 2010 and their editors and journalists were tried on defamation charges.<sup>12</sup> One of *Umuvugizi's* journalists, Jean-Léonard Rugambage, was murdered in June 2010.<sup>13</sup> Two female journalists of the newspaper *Umurabyo*, Agnès Uwimana and Saidati Mukakibibi, are currently serving prison sentences in connection with articles published in their newspaper; initial sentences of 17 and 7 years were reduced to 4 and 3 years on appeal, but the two women remain in prison.<sup>14</sup> Several other journalists have been arrested and prosecuted for various offences, as recently as 2012.<sup>15</sup> Most journalists now confine

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<sup>10</sup> Human Rights Watch interviews in various locations in eastern DRC, July and August 2012.

<sup>11</sup> See, for instance, World Bank Group, "World Bank Global Partnership on Social Accountability Approved by Board of Executive Directors," June 25, 2012, <http://go.worldbank.org/LRLHHQMA30I> (accessed August 31, 2012). See also former World Bank president Robert Zoellick's April 2011 landmark speech, "The Middle East and North Africa: A New Social Contract for Development," April 6, 2011, <http://www.worldbank.org/en/news/2011/04/06/middle-east-north-africa-new-social-contract-development> (accessed August 31, 2012).

<sup>12</sup> "Rwanda: Stop attacks on journalists, opponents," Human Rights Watch news release, June 26, 2010, <http://www.hrw.org/news/2010/06/26/rwanda-stop-attacks-journalists-opponents>.

<sup>13</sup> *Ibid.*

<sup>14</sup> See "Rwanda: Opposition leader's sentence upheld," Human Rights Watch news release, April 27, 2012, <http://www.hrw.org/news/2012/04/27/rwanda-opposition-leader-s-sentence-upheld>.

<sup>15</sup> As of this writing in September 2012, Stanley Gatera, editor of *Umusingi* newspaper, is in detention awaiting trial on charges of discrimination and sectarianism in connection with an opinion piece published in his newspaper; Idriss Gasana Byiringiro, a journalist from *The Chronicles*, is awaiting trial for allegedly lying to the police after reporting his own abduction,

their work to reporting on uncontroversial subjects. New media laws contain some improvements, such as reducing burdensome administrative and financial restrictions on journalists and introducing self-regulation by the media, but in terms of risks encountered by journalists in the course of their profession, in practice, little has changed.

Rwandan independent civil society has also been greatly weakened. The government's hostility towards human rights organizations means that there is little scope for Rwandan organizations to report on abuses by the state. Restrictive administrative regulations, threats and intimidation of human rights defenders, combined with a degree of self-censorship, have ensured that few Rwandan civil society groups publicly criticize the government's human rights record.<sup>16</sup>

The government has reacted in an aggressive manner towards international human rights organizations, including Human Rights Watch, as well as UN bodies and other groups that have published critical reports.<sup>17</sup> This was demonstrated most recently by the government's angry response to the interim report of the UN Group of Experts on the Democratic Republic of Congo in June 2012, discussed above.<sup>18</sup> A similar response characterized the government's reaction to the UN "mapping report" published by the Office of the UN High Commissioner for Human Rights in 2010, which described, among other things, serious crimes committed by Rwandan troops in Congo, as well as by Congolese armed groups supported by Rwanda, in 1996 and 1997.<sup>19</sup> The government's response to such reports typically consists of categorical denials of all allegations of human rights abuses, attempts to discredit the organizations publishing these reports, and repeated personalized attacks on their authors, particularly through the media.<sup>20</sup>

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a crime that could carry a five year prison sentence; and in June 2012 a radio journalist, Tusiime Annonciata of Flash FM, was beaten unconscious by police and security personnel outside Parliament. Journalists continue to flee the country.

<sup>16</sup> See Human Rights Watch, *World Report 2012*, (New York: Human Rights Watch, 2012) Rwanda, <http://www.hrw.org/world-report-2012/world-report-2012-rwanda>; Human Rights Watch, *World Report 2011*, (New York: Human Rights Watch, 2011) Rwanda, <http://www.hrw.org/en/world-report-2011/rwanda>.

<sup>17</sup> In 2010, immigration officials cancelled the work permit of Human Rights Watch's senior researcher on Rwanda, forcing her to leave the country. See "Rwanda: Allow Human Rights Watch to Work," Human Rights Watch news release, April 23, 2010, <http://www.hrw.org/news/2010/04/23/rwanda-allow-human-rights-watch-work>.

<sup>18</sup> See Rwandan Ministry of Foreign Affairs and Cooperation, "Rwanda's Response to the Allegations Contained in the Addendum to the UN Group of Experts Interim Report", July 27, 2012, <http://www.minaffet.gov.rw/fileadmin/templates/minaffet/doc/Rwanda%27s%20Response.pdf> (accessed August 31, 2012).

<sup>19</sup> See Rwandan Ministry of Foreign Affairs and Cooperation, "Official Government of Rwanda Comments on the Draft UN Mapping Report on the DRC," September 30, 2010, available at [http://www.minaffet.gov.rw/fileadmin/templates/minaffet/doc/official\\_government.pdf](http://www.minaffet.gov.rw/fileadmin/templates/minaffet/doc/official_government.pdf) (accessed September 5, 2012).

<sup>20</sup> For example, in late August 2012, the Rwandan Minister of Foreign Affairs declared in a meeting with diplomats in Kigali that the coordinator of the UN Group of Experts was sympathetic to the FDLR. She made a similar statement to the UN Security Council in New York on August 29, 2012. See "Mushikiwabo's remarks to UN Security Council on DRC", *New Times*, August 30, 2012, <http://www.newtimes.co.rw/news/index.php?i=15100&a=57680> (accessed August 31, 2012).

The government has used a controversial 2008 law on “genocide ideology” to target perceived government critics.<sup>21</sup> The parliament is currently studying a revised version of the law which proposes to address concerns about the overbroad definition of “genocide ideology” and to reduce the prescribed sentences. However, the new law, if passed in its proposed form, would retain the notion of “genocide ideology” as a criminal offence punishable by imprisonment, and remains ripe for abuse, especially in the existing context of political repression and restrictions on free speech. Rather than raising concerns about this, the World Bank, in its CAS for 2009-2012, appears to have simply accepted the government’s assertion that “genocide ideology” persists or has resurged.<sup>22</sup>

In its 2009-2012 CAS, the World Bank recognizes the importance of civic participation and empowerment, transparency, and accountability, but it fails to highlight that government repression is the key hurdle in achieving this.<sup>23</sup> Rather it emphasizes access to information on government policies and programs and the need to strengthen the capacity of civil society organizations, and blindly notes that civil society organizations have increased significantly in number without noting that their independence is severely compromised.

### **Economic Growth without Political Freedoms**

The World Bank has failed to constructively raise concerns about the potential risks that the Rwandan government’s political repression poses for sustainable development. In his case study on Rwanda for the World Development Report 2011, Omar McDoom argues that “peace is most likely to endure if Rwanda’s political space is gradually opened up” and “post-conflict stability premised on economic growth and strong leadership – but without political liberalization on the longer term – may have a finite duration and a possibly dramatic ending.” He concludes that Rwanda’s development success is fragile because it depends on the continued rule of the Rwandan Patriotic Front (RPF): “The long-term durability of peace depends also on the gradual opening of political space and de-concentration of power in the hands of the ruling elite to allow Rwanda’s state institutions and civil and political society to evolve into responsible and independent counterweights to the regime. In the absence of such a shift in political culture Rwanda’s prospects for a

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<sup>21</sup> Law N° 18/2008 of 23/07/2008 Relating to the Punishment of the Crime of Genocide Ideology, 23 July 2008.

<sup>22</sup> See The World Bank Group, “Country Assistance Strategy for the Republic of Rwanda for the period of FY09-FY12,” August 7, 2008, p.13, Para. 53. “There are nevertheless concerns about killings of genocide survivors by perpetrators who had been released and the persistence/resurgence of what the Government has termed ‘genocide ideology.’”

<sup>23</sup> The World Bank does, however, importantly recognize that it should set an example by providing access to information on its own operations, consulting widely through its own processes, and effectively disseminating analytical documents.

peaceful and constitutional change of regime one day may be diminished and the remarkable achievements of the current regime after the genocide undone.”<sup>24</sup>

The RPF continues to monopolize the political scene and control almost every institution at national and local levels. President Paul Kagame won the 2010 presidential elections with more than 93% of the vote; the only rival candidates were from parties which were broadly supportive of the RPF. The 2010 pre-election period was marked by a sharp increase in intimidation and attacks against opponents and critics.<sup>25</sup> Similar patterns characterized the previous presidential elections in 2003 and parliamentary elections in 2008.<sup>26</sup> The next parliamentary elections are scheduled for 2013, and at the time of writing, there are no indications that the government is planning to open up political space for any meaningful opposition. The Rwandan government has continued to persecute real or suspected political opponents since the 2010 elections, into 2011 and 2012.

There are no functioning opposition parties in Rwanda. Local government authorities and police obstructed two of the three political parties that would have contested the 2010 elections (the FDU-Inkingi, the PS-Imberakuri and the Democratic Green Party), from registering.<sup>27</sup> At the time of writing, these parties are still not registered. The third (the PS-Imberakuri) was taken over by a faction favorable to the RPF which ousted the party's president, Bernard Ntaganda. Bernard Ntaganda and the president of the FDU-Inkingi, Victoire Ingabire, are currently in prison. Ntaganda is serving a four year sentence for endangering national security and divisionism, while the judgment in Ingabire's trial is due in September 2012.<sup>28</sup> Lower-level members of their parties have also been arrested and detained several times and continued to face harassment from the government and the ruling party. The vice-president of the Democratic Green Party was murdered in July 2010,

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<sup>24</sup> Omar McDoom, "Rwanda's exit pathway from violence: a strategic assessment", April 2011, World Development Report 2011, Background Case Study. For articles by a range of authors on different aspects of post-genocide Rwanda, see "Remaking Rwanda: State Building and Human Rights after Mass Violence", ed. Scott Straus and Lars Waldorf (University of Wisconsin Press, 2011).

<sup>25</sup> See Human Rights Watch chronology, "Rwanda: Silencing Dissent Ahead of Elections," August 2, 2010, <http://www.hrw.org/news/2010/08/02/rwanda-attacks-freedom-expression-freedom-association-and-freedom-assembly-run-presi>.

<sup>26</sup> See Human Rights Watch, World Report 2009, (New York: Human Rights Watch, 2009) Rwanda, <http://www.hrw.org/world-report-2009/rwanda>; and Human Rights Watch, *Rwanda – Preparing for elections: tightening control in the name of unity*, May 8, 2003, <http://www.hrw.org/reports/2003/05/08/preparing-elections>.

<sup>27</sup> See Human Rights Watch, "Universal Periodic Review: Rwanda, Submission for the 10th UPR session at the Human Rights Council (January 2011)", July 5, 2010, <http://www.hrw.org/news/2010/07/05/universal-periodic-review-rwanda>.

<sup>28</sup> See "Rwanda: Opposition leader's sentence upheld," Human Rights Watch news release, April 27, 2012, <http://www.hrw.org/news/2012/04/27/rwanda-opposition-leader-s-sentence-upheld>; "Rwanda: Prison Term for Opposition Leader," Human Rights Watch news release, February 11, 2011, <http://www.hrw.org/news/2011/02/11/rwanda-prison-term-opposition-leader>.

leading its president to flee the country.<sup>29</sup> Two years on, no one has been charged with his murder.

Even in exile, the security of would-be opponents or critics is not guaranteed. In June 2010, General Kayumba Nyamwasa, a former close ally of President Kagame turned outspoken opponent, narrowly escaped an assassination attempt in South Africa. In May 2011 the London Metropolitan Police formally warned two Rwandans living in the UK of credible threats to their security emanating from the Rwandan government. In November 2011 an unidentified gunman in the Ugandan capital Kampala shot dead a Rwandan journalist living in Uganda, known to be critical of the government.<sup>30</sup>

The World Bank has failed to raise concerns about the Rwandan government's political repression and the risks that it presents for sustainable development. Rather, in its CAS for 2009-2012, it noted that "Rwanda's approach to promoting inclusive and stable politics and governance appears to be working." In the section entitled "Managing Risks," it provided an unrealistically optimistic prediction for the 2010 elections and suggested that the 2010 elections provided "further opportunity to deepen Rwanda's process of democratization." In light of the fact that there have not been democratic, free or fair elections in Rwanda since the RPF-dominated government has been in power, this analysis was severely misplaced. Unfortunately, as illustrated above and in the documents referenced in this briefing, events in 2010 proved that little had changed in terms of the RPF's unwillingness to open up political space.

### **The Lack of Independence of the Justice System**

A number of legal reforms have improved the performance and efficiency of the justice system in Rwanda. However, the judiciary still suffers from a lack of independence, and the government has interfered with the conduct and outcome of a number of trials, especially in cases of a political nature, such as the prosecution of opposition politicians and journalists referred to above.

In addition, Human Rights Watch has documented cases of unlawful detention and torture in military custody. Judges trying such cases have not ordered investigations into

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<sup>29</sup> See "Rwanda: Allow independent autopsy of opposition politician," Human Rights Watch news release, July 21, 2010, <http://www.hrw.org/news/2010/07/20/rwanda-allow-independent-autopsy-opposition-politician>.

<sup>30</sup> See "Uganda/Rwanda: Investigate Journalist's Murder," Human Rights Watch news release, December 6, 2011, <http://www.hrw.org/news/2011/12/06/ugandarwanda-investigate-journalist-s-murder>.

defendants' allegations that they were unlawfully detained or tortured and did not take these allegations into account in their sentencing.<sup>31</sup>

Lawyers are reluctant to take on cases relating to state security, political issues, media freedoms and genocide ideology, as well as cases in which suspects have been illegally detained, limiting a defendant's right to legal representation. Many suspects in these types of cases are asked to pay exorbitant fees that they can usually not afford, in order to balance that risk.

Community-based *gacaca* courts, responsible for trying genocide-related cases, finished their work in 2012. They have tried more than 1.2 million cases since 2005. They leave behind a mixed legacy, with a number of positive achievements – including their swift work, the extensive participation of the local population, and the revelation of information about events during 1994 – alongside violations of the right to a fair trial, intimidation of witnesses, and corruption of judges and other parties.<sup>32</sup> Unfortunately, the World Bank CAS has not recognized the mixed nature of this legacy, claiming only that the system of *gacaca* courts “enjoys the broad approval of the population.” According to extensive Human Rights Watch field research and observation of *gacaca* trials, opinions about *gacaca* are sharply divided, with many Rwandans expressing deep dissatisfaction with the process.<sup>33</sup>

**Further information on all the above concerns can be found at:**

<http://www.hrw.org/africa/rwanda>

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<sup>31</sup> See Human Rights Watch, *World Report 2012* (New York: Human Rights Watch, 2012), Rwanda, <http://www.hrw.org/world-report-2012/world-report-2012-rwanda>.

<sup>32</sup> See Human Rights Watch, *Rwanda – Justice compromised: The Legacy of Rwanda's Community-Based Gacaca Courts*, May 31, 2011, <http://www.hrw.org/reports/2011/05/31/justice-compromised-o>.

<sup>33</sup> *Ibid.*