



PLATFORM AMAHORO PC – FDU INKINGI – PDP IMANZI – PS IMBERAKURI – RWANDA NATIONAL CONGRESS (RNC)

P5 POLITICAL PLATEFROM MEMORANDUM ON THE SITUATION OF HUMAN RIGHTS IN RWANDA

Brussels, December 2017

Abstract

By this memorandum, the P5 PLATFORM, a coalition composed of 5 main political organizations of the Rwandan democratic opposition: Amahoro - PC, FDU - Inkingi; PDP - Imanzi; PS - Imberakuri and Rwanda National Congress (RNC), would like to share its concerns with the European Parliament in the face of an explosive human rights situation that is developing every day in Rwanda.

Rwanda is currently one of the 47 member states of the United Nations Human Rights Council. Rwanda has also put in place a lot of legal and institutional infrastructures to show the world that it is a country respectful of civil liberties and human rights. Thus, in international forums, Rwanda would be a model student to follow in respect of human rights. But in truth, the reality is quite different. Behind this scent of balm that constitutes the so-called respect for human rights, lies a false face characterized by hypocrisy, double talk and gross violations of the rights of citizens both inside and outside Rwanda. These violations are characterized more particularly by premeditated murders directed against the figures of the democratic opposition and the ordinary population, the complete closure of the political space, the spoliation of public property in favor of a small Elite in power; economic and social policies that are too segregated and legislation tailored to support and maintain the dictatorship that characterizes Rwandan governance.

The political violence that Rwanda knows, is not a fatality due to a congenital hatred between Hutu and Tutsi, but rather the result of the policy of political, economic and social exclusion of certain ethnic groups, that the political Elite has exploited to rise and keep itself to power. Rwanda has never experienced a social political situation as explosive as it is now. Faced with these planned and sustained violations by the Rwandan state, Rwanda presents a case study where conditions are ripe for a bloody popular revolt in the near future.

P5 launches an urgent appeal to all men, women, institutions and governments to support its efforts to prevent the possibility of a human catastrophe of the magnitude, and even magnitude more serious than the 1994 genocide. The PLATFORM hopes that the European Parliament will examine this memorandum with a view to contributing to the search for adequate solutions to prevent the humanitarian catastrophe that could result from inaction or silence.

The P5 Platform considers that the present analysis will allow the European Parliament to better understand the root causes that challenge the conscience of everyone to support and protect human rights in Rwanda against a tyrannical regime of the Rwandan Patriotic Front (RPF) which exercises the power in Rwanda; and headed by President Paul Kagame.

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1. Introduction

The P5 Platform¹, Coalition composed of 5 main political organizations of the Rwandan democratic opposition: Amahoro PC, FDU - Inkingi; PDP - Imanzi; PS Imberakuri and Rwanda National Congress (RNC), commends the efforts of the European Parliament in its contribution to the search for appropriate solutions to the serious violations of human rights in the world and more particularly in Rwanda.

Rwanda is currently one of the 47 member states of the United Nations Human Rights Council; it has ratified the Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment. The Optional Protocol to this Convention, adopted by the United Nations General Assembly on December 18, 2002, was ratified by Rwanda by Presidential Order No. 60/01 of February 12, 2014.

The fight against torture had thus become an integral part of the Rwandan Criminal Code, which makes torture a punishable crime. All the legal and institutional infrastructures (eg Constitution, Treaties and other laws) and National Human Rights Commission, NHRC) have been set up to show the world that Rwanda is a country respectful of civil liberties and human rights. Thus, in international forums, Rwanda would be a model student to follow in respect of human rights. But in truth, the reality is quite different. Behind the scent of balm that is the so-called respect for human rights, lies a false face characterized by hypocrisy, double talk and a lot of other Machiavellian maneuvers.

The human rights situation in Rwanda is so serious, as you will see in this memo, that the international community has a great responsibility to remain insensitive to a situation that could lead to another humanitarian catastrophe. Three years ago, the UN Special Rapporteur on the Right to Expression and Association, Mr. Maina Kiai, rightly pointed out in his report to the UN Human Rights Council in June 2014 that "A society without space for critical voices to express itself freely and peacefully is untenable." We urge all men, women, institutions and governments who are in love with peace and freedom to support our efforts to prevent such an eventuality.

We shall recall that at the time when the great powers were thinking about the causes and solutions to cyclical wars in the world, it was recognized, as was stated in the Preamble of the Universal Declaration of Human Rights that:

¹ The P5 Platform is a coalition of political organizations made of AMAHORO P.C, FDU - INKINGI, PDP - IMANZI, PS - IMBERAKURI AND Rwanda National Congress (RNC)

- *The recognition of the inherent dignity of all members of the human family and of their equal and inalienable rights is the foundation of freedom, justice and peace in the world;*
- *Ignorance and contempt for human rights have led to acts of barbarism that revolt the conscience of humanity;*
- *The advent of a world where human beings will be free to speak and believe, freed from terror and misery, has been proclaimed as the highest aspiration of man;*
- *It is essential that human rights be protected by a rule of law so that man is not forced, as a last resort, to revolt against tyranny and oppression.*

In this context, Rwanda presents a case study where the conditions are ripe for a popular revolt. However, the recent history of Rwanda challenges us all to do everything in our power to prevent this eventuality.

The P5 PLATFORM reiterates its thanks to the European Parliament, which, by its Resolution No. 2016/2910 (RSP) of 6 October 2016, brought a certain clarity to the conditions of detention of Mrs. Victoire Ingabire Umuhiza, President of the FDU- Inkongi as a political prisoner who was previously locked up in solitary confinement with all kinds of physical, moral or psychological torture. But alas, even though she is being held under the same conditions as other prisoners today, she is still suffering psychological torture inside the prison. The new tactics adopted by the regime include isolation, the removal of all the minimal personal belongings to which she was still entitled (books, Bible ...) and the prohibition to talk to other prisoners.

On 24 November 2017, the African Court on Human and Peoples' Rights² confirmed that many violations of the rights of Mrs. Victoire Ingabire had been violated; many of the charges on which she was convicted were in flagrant violation of her rights of expression and her political rights.

The P5 PLATFORM therefore returns to the European Parliament to share with it these concerns for a search for solutions, the deplorable conditions in which the Rwandan people desperately bend under the yoke of a ferocious dictatorship that does not cure grave violations of human rights under the silent gaze of the international community.

The political violence that Rwanda has experienced is not inevitable due to a congenital hatred between the Hutu and Tutsi, but rather the result of the policy of political, economic and social exclusion of certain ethnic groups that the Elite politics exploited to rise to power. Rwanda has never experienced a social political situation as explosive as it is now.

² <https://www.youtube.com/watch?v=d7U9D-8gn80>

On the basis of this principle, the P5 Platform considers that the present analysis will enable the European Parliament to better understand the root causes that challenge the conscience of everyone to support and protect human rights in Rwanda against a tyrannical RPF regime that exercises power in Rwanda.

The P5 Platform considers that the violence to which the Rwandan people are subjected is tolerated by the international community on the one hand because of a collective self-blame for not having intervened during the Rwandan genocide. On the other hand, however, it was due to the Rwandan Patriotic Front through his then emissaries Gérard Gahima and Claude Dusaidi³ that expressly asked the United Nations not to intervene. For the rest, the RPF lobbies helped it to commercialize this blank check of the genocide to guarantee its impunity.

2. The international community faces the lie of the RPF

Given the serious violations of human rights in Rwanda, would the international community keep a complicit silence or would it be in good faith, victim of the lie of the RPF regime?

On October 10, 2017, Human Rights Watch reported that the Rwandan army routinely detained and tortured detainees, including beatings, asphyxiation, mock executions and electric shocks.⁴ As usual, the Kagame regime denied everything. A parliamentarian even insulted the HRW CEO, Mr. Kenneth Roth, designating him as "a fierce interahamwe dog" (imbwa y'interahamwe intozo). Radio France International (RFI) has demonstrated audio-video in support that the lie of the RPF was flagrant.⁵

In its report on human rights in Rwanda for 2016, the US State Department pointed out that because of restrictions on civil rights; restrictions on the registration and functioning of opposition parties, citizens are not able to change

³ <http://www.therwandan.com/blog/statement-by-the-rpf-on-the-proposed-deployment-of-a-u-n-intervention-force-in-rwanda-on-30th-april-1994/>; <https://www.hrw.org/reports/1999/rwanda/Geno15-8-03.htm>

When the Security Council discussed sending a larger peacekeeping force to Rwanda with a broader mandate to protect civilians, the RPF feared that the force might interfere with its goal of military victory. Its leaders may have been particularly concerned that the French might use the force to protect the interim government. Instead of welcoming the move and urging speedy implementation, the RPF spokesman in Brussels opposed it and asserted that there were no more Tutsi to be saved.²⁵ On April 30, Gerald Gahima and Claude Dusaidi of the RPF political bureau reiterated this position in a slightly less forceful statement which declared. The time for U.N. intervention is long past. The genocide is almost completed. Most of the potential victims of the regime have either been killed or have since fled.

The statement continued.. Consequently, the Rwandese Patriotic Front hereby declares that it is categorically opposed to the proposed U.N. intervention force and will not under any circumstances cooperate in its setting up and operation. In view of the forgoing [sic] the Rwandese Patriotic Front:

a. Calls upon the U.N. Security Council not to authorize the deployment of the proposed force as U.N. intervention at this stage can no longer serve any useful purpose as far as stopping the massacres is concerned.

⁴ <https://www.hrw.org/fr/news/2017/10/10/rwanda-detention-militaire-illegale-et-torture>

⁵ <https://www.hrw.org/fr/news/2017/11/01/rwanda-une-tentative-de-nier-les-meurtres>

their government through free and fair elections. In essence the report refers to "arbitrary or unlawful killings; torture; harassment, arrest and abuse of political opponents, human rights defenders and individuals perceived as a threat to the ruling power and the social order; non-compliance with the rules of law by security forces; restrictions on civil rights; restrictions on the registration and functioning of opposition parties, which does not allow citizens to change their government through free and fair elections." Reports from human rights organizations such as Amnesty International, Human Rights Watch make the same observation.

The 2015 Freedom House report views Rwanda as "not free". The report of Reporters Without Borders 2015 ranks Rwanda 161st out of 180 countries in terms of media freedom, behind countries that have also been devastated by the war such as Liberia 89 - Sierra Leone 79 - Afghanistan 122, South Sudan 125 , Palestine 140, Burundi 145; DRC 150 and Iraq 156.

A team of social scientists led by Professor Andreas Wimmer of UCLA, has ranked Rwanda among the countries with the highest level of political exclusion in the world (behind Sudan and Syria). The team spent nearly three years studying interethnic relations in 155 countries from 1946 to 2005, using expert advice from nearly 100 scholars from universities around the world.

The biggest tragedy for the country is that the current regime has exploited a national calamity, i.e. genocide, as a blank check to eliminate its political opponents, invade or destabilize by rebellion a neighboring country resulting in the death of more than 5 millions of people, the most important humanitarian catastrophe since the Second World War. The complacency or even the complicity of the international community in this tragedy is sickening and empty of the content of the concept of humanity.

The appeasement policy has only strengthened the confidence and belief of the regime that violence is an acceptable tool for managing power. As a result, a culture of violence has developed among the security services. The Commonwealth Human Rights Initiative report described Rwanda as "an army with a state instead of being a state with an army."

The recognition of the inherent dignity of all members of the human race, the freedom to speak and believe has no place in Rwanda. Ironically, the totalitarian and repressive Rwandan regime remains the darling of the donors.

Democratic change is not imminent to get out of the tunnel. After forcing the population to change the constitution to allow it to cling to power without sharing for another 17 years, it is a safe bet that under the Rwandan Patriotic Front (RPF) regime repression will accelerate following the growing demands of the democratic forces for a free society, a truly reconciled people and shared economic progress.

3. Attacks on the Right to Life and Physical Integrity

Protection and respect for life, whether for others or even for one's own life, are the basic principles, values and pillars of civility and humanitarian law. Anyone who attacks these values falls back to the rank of animality. Whatever the motives and ambitions - be they political, economic, ethnic or socio-cultural - that animate certain authorities, nothing can justify the use of attacks against life or all kinds of attacks on right to the life and physical integrity of the human person.

The United Nations Human Rights Council set up a Sub-Commission to regularly monitor the implementation of the Torture Protocol, independent international figures and national organizations at the scene of detention to ensure the prevention of torture and other cruel, inhuman and degrading treatment. The United Nations Human Rights Council recently sent a mission to Rwanda, namely the United Nations Subcommittee on Prevention of Torture (SPT), which was to be held from October 15 to 21, 2017.

The Subcommittee on Prevention of Torture (SPT), which had gone to Kigali, was forced to interrupt its mission and leave Rwanda well before the end of its mission due to obstacles raised by authorities and lest some of the interviewees may be subject to reprisals.

This rule is universal but, unfortunately, in the name of their stay in power, the current leaders of Rwanda are doing everything to ignore it or to postpone it indefinitely; hence the continuing violations of human rights, the most serious of which are political killings. Article 6 (c) of the Nuremberg International Military Tribunal Statute includes political assassination as a crime against humanity:

"The following acts, or any of them, are crimes subject to the Tribunal's jurisdiction and entail individual responsibility:

6.c. (c) "Crimes Against Humanity": that is, assassination, extermination, enslavement, deportation, and any other inhumane acts committed against any civilian population, before or during war, or persecution for political, racial or religious reasons, when such acts or persecutions, whether or not they constituted a violation of the domestic law of the country in which they occurred, were committed as a result of any crime within the jurisdiction of the Tribunal, or in connection with that crime.

The leaders, organizers, provocateurs or accomplices who took part in the development or execution of a concerted plan or a conspiracy to commit any of the crimes defined above are responsible for all acts done by all persons in execution of this plan. "

Political assassinations committed in Rwanda cannot be described as anything other than inhumane acts committed for political reasons and which fall perfectly within the framework of a plan to eliminate the political opponents defined in the speech of June 5, 2014 that the head of the State Mr. Paul Kagame pronounced in front of the population in Nyabihu.⁶ Therefore, the character of systematic attack against the civilian population of the opposition could not be questioned.

The Rwandan Penal Code defines in its articles 120 and following, political assassination as a crime against humanity: "Crime against humanity means one of the following acts committed in the context of an attack widespread or systematic targeting the civilian population because of their national, political, ethnic or religious affiliation:

1 ° Murder;

2 ° Extermination;

3 ° Enslavement;

4 ° Deportation or forced transfer of population;

5 ° Imprisonment of a person or serious deprivation of his freedom of movement in violation of the law;

6 ° torture;

7 ° Rape, sexual slavery, forced prostitution, forced sterilization and any other form of sexual violence of comparable gravity;

8 ° Persecution of a person because of his political, ethnic, religious affiliation or because of any other form of discrimination;

9 ° Enforced disappearances of persons;

10. The crime of apartheid;

11 ° Other inhumane acts of a similar character intentionally causing great suffering or serious injury to physical or mental integrity.

Nyabihu's speech of June 5, 2014 corresponds perfectly to the criteria defined for the application of article 120, 8 ° of the Rwandan Penal Code.

Article 121: Repression of crime against humanity

"Any person who commits a crime against humanity provided for in points 1 °, 2 °, 3 °, 6 °, 7 ° and 9 ° of article 120 of this organic law is liable to a sentence of criminal imprisonment for life. Any person who commits a crime against humanity under points 4 °, 5 °, 8 °, 10 ° and 11 ° of Article 120 of this organic law is liable to imprisonment of ten (10) years in twenty-five (25) years. When the crime against humanity provided for in paragraph 2 of this article is accompanied by inhuman and degrading treatment, the perpetrator is liable to life imprisonment".

⁶ <http://www.theeastafrican.co.ke/news/Rwanda-to-arrest-or-shoot-anyone-posing-a-security-threat-/2558/2338314>

4. Extrajudicial killings: political or otherwise

Below are some illustrative examples of political or extrajudicial killings of Rwandan nationals, which, in our opinion and until now (until proven otherwise), are indicative and not exhaustive; have not been prosecuted:

1. Jean Damascene Habarugira was savagely murdered on May 5th, 2017. He was a member of the FDU-Inkingi Party. For all purposes, his murder is attributable to Rwandan intelligence services because he belonged to an opposition party and reportedly protested the destruction of food crops so-called peasants to make way for the project of public interest.
2. Three children were burned alive in one of the Kigali gutters on April 28, 2017 by people in uniform, suspected of being the police officers.
3. Innocent Nshimiyimana son of Mr. Simon Buhinja and Mrs Gaudence Nyirankundimana, from Rebero village, Munanira cellule, Nyamyumba sector Rubavu District, Western Province. He was shot dead on December 1, 2016 by a soldier. He was suspected of stealing a banana diet.
4. Jean Claude Nzabonimana, Ngoma District was shot dead on December 5, 2016 by the Police. He was suspected of stealing a computer.
5. Rukundo, son of Mr. Hitimana and Mrs. Nyirampuguje, Cyeza village, Munanira Sector, Nyamyumba Cell, Rubavu District, Western Province was killed by the military on December 6, 2016. He was suspected of being a cattle thief.
6. Samson Musonera, 22 years old and Jean Claude Bizabarimana, 24 years old Nyamuremure village, Kigombe sector, Muhoza cell, Musanze District, Western Province were killed on 7 December 7, 2016. They were arrested at their home by agents of security who were accompanied by the executive secretary of the village, Mr. Antoine Gahutu. They were stabbed and died as a result of their injuries.
7. Channy Mbonigaba was shot dead on 18 August 2016 by the National Police. Police announced that it had killed a terrorist in Nyarutarama; suburb of the city of Kigali.
8. On 19 August 2016, the National Police stated that it had killed three terrorists in the area of Bugarama, Rusizi district. She also announced on August 20, 2016 that she had killed two people in the same district suspected of being terrorists.

9. Kigali Lawyer Toy Nzamwita Ntabwoba was shot dead by police on December 30, 2016, at a roadblock in Kigali at the edge of his vehicle. The reason given was that he had refused to stop.

10. The local newspaper "Izuba Rirashe" of 12/05/2015 announced the death of Mr. Bernard Gisagara, resident of Nyarubungo cellule, Ngarama area, Gatsibo district, killed by local government officials who killed him accused him of not having paid medical insurance.

11. In May 2015, concordant information reported the case of Alfred NSENGIMANA, former Executive Secretary of the CYUVE Sector, MUSANZE District, castrated and then shot by the police. This former Executive Secretary who was accused of collaborating with the opposition to the regime, suffered the worst tortures: at the time of his lifting of body, the victim had no eyes, no teeth, no nails. In addition, his sex was cut. Such practices, on the part of security services supposed to belong to a country worthy of the name, are infuriating to the human race.

12. Assassination of Emmanuel MUSIRIKARE

On October 11, 2014, Emmanuel MUSIRIKARE, who resided in the Cyembogo cellule, Matimba secteur, Nyagatare district, was killed by the local police in collaboration with Ms. MUKARUGWIZA, head of the Cyembogo cell, and in the presence of the police chief; Matimba and Kagitumba sectors.

MUSIRIKARE's wife, Mrs. UWAMAHORO was savagely beaten while she was pregnant. She had to be hospitalized. When she left the hospital, she tried unsuccessfully to seek justice for the murder of her husband: instead of supporting her and helping her to establish a criminal case, the police preferred to throw in jail the present witnesses. At the crime scene, other eyewitnesses had to flee to Uganda. Those who remained were intimidated so that no one could denounce this murder. The official pretext for the murder is that the victim owned an alcoholic drink of Ugandan origin whose trade and consumption are prohibited. But the excavations carried out at his house for this purpose have not proved anything.

We still do not know the fate of those who have been put in prison, but to date, what is certain, is that there has been no prosecution against the perpetrators of the murder of the late MUSIRIKARE.

13. Assassination of Chadrack NIWUNGIZE

Mr. Chadrack NIWUNGIZE was a teacher at a school in Rutsiro District in Western Province. He was arrested at home without a warrant of arrest on 2 April

2015 by the Rutsiro District Executive Officer, accompanied by a DASSO (District Administration Security Support Organ) militiaman.

On April 5, 2015, the district authorities brought back NIWUNGIZE's body and handed it over to his family without further explanation. From a reliable source, Mr. NIWUNGIZE was assassinated on the pretext that he was collaborating with opponents of the RPF regime, who are considered enemies of the country. To date, no prosecution has been brought against the perpetrators of this crime.

14. Assassination of André KAGWA RWISEREKA

Mr. André KAGWA RWISEREKA was vice-president of the GREEN PARTY political party. His body almost beheaded, was found in a valley near Butare on July 14, 2010. To date, none of the perpetrators of this crime have been brought to justice.

15. Assassination of Dr. Emmanuel GASAKURE

Dr. Emmanuel GASAKURE, former chief cardiologist at the University of Nancy in France, was an academic part of a European research team and owner of a private clinic in France. After the 1994 genocide, he returned to Rwanda. He rebuilds the University Hospital of Butare and revived the Faculty of Medicine. He restructured the entire health system and sets up the mutual insurance system. In 2001, he became senior advisor and personal physician to President Paul KAGAME. Because he fought corruption in the higher spheres of power, he was accused of all kinds of evils including friendship with Patrick KAREGEYA, contacts with RNC, abuse of alcoholism and violation of medical confidentiality. He was detained at the Remera police station in Kigali on February 20, 2015, and executed on February 25, 2015. He was reportedly killed for collaborating with opponents of the RPF regime, who are considered enemies of the country. The perpetrators of this crime were not worried.

16. Assassination of Major John SENGATI

Major John SENGATI was General KAYUMBA NYAMWASA's bodyguard from 1993 to 2001. After the flight of General KAYUMBA NYAMWASA in 2007, Major SENGATI, who was already retired, was reproached for being in touch with his former boss. In 2012, he was detained for five months, then released, but was placed under house arrest. On May 10, 2013, he was murdered.

17. Mrs. Illuminée IRAGENA

Mrs. Illuminée IRAGENA was a nurse at King Faisal Hospital in Kigali. She was reported missing on March 26, 2016 while visiting the service. On the day of her arrest, she was accused of having dedicated to someone the book of Mrs. Victoire INGABIRE UMUHOZA, President of the United Democratic Forces (FDU - Inkingi). According to credible sources, she was tortured until she died of these cruel, inhuman and degrading treatments. At present, the RPF regime has neither shown her body nor denied the veracity of these statements.

18. Assassination of Patrick KAREGEYA

On January 1, 2014, Patrick KAREGEYA, former Chief of Foreign Intelligence Services of Rwanda, was murdered at a hotel in Johannesburg. He fled the country in 2007 and was living in exile in South Africa. Like General KAYUMBA NYAMWASA, he accused President Paul KAGAME of being responsible for the bombing in April 1994 that cost President Juvénal Habyarimana his life. Colonel Karegeya was ready to meet French judge Marc TREVIDIC, in charge of the investigation.

Mr. Karegeya was one of the founders and senior staff of the opposition political party RWANDA NATIONAL CONGRESS (RNC). At the time the South African government was investigating the assassination of Patrick KAREGEYA, President Paul KAGAME said on January 12, 2014, that "no one can betray Rwanda and get out alive."

19. Assassination of Mr. Eric Hakizimana

He was shot by the police on the pretext that he wanted to escape the prison. Nevertheless, the other prisoners testified that when he was introduced to prison, he had already been assaulted. The police reportedly took him out during the night to shoot him just behind the prison

5. Attempts to assassinate

5.1. Attempted assassination of General Kayumba Nyamwasa

General KAYUMBA NYAMWASA is a man who was very close to President Paul KAGAME. He was one of the founders of the RPF and Chief of Staff of the Rwandan army from 1994 to 2002. Subsequently, he applied for asylum in South Africa.

Founding member of the opposition RWANDA NATIONAL CONGRESS- RNC party, he survived an assassination attempt on June 19, 2010 in a Johannesburg suburb. Just like Patrick KAREGEYA, General KAYUMBA NYAMWASA was and

always stands ready to testify against Kagame for being responsible for the attack which, in April 1994, cost life to President Juvenal HABYARIMANA.

In August 2014, a South African court sentenced two Rwandans and two Tanzanians convicted of this crime to eight years in prison. A second assassination attempt on General KAYUMBA NYAMWASA failed on 4 March 2014. As a result of this incident, South Africa expelled four Rwandan diplomats from its territory. Since then, the international community has condemned this campaign of political assassinations.

One would recall that other political assassinations had already occurred before including that of Théoneste LIZINDE assassinated with Mr. Augustin BUGIRIMFURA in Kenya in 1997 and that of Mr. Seth SENDASHONGA, who was Minister of the Interior in the first RPF government, assassinated in Nairobi in Kenya in 1998.

5.2. Attempted assassination of Mr. Eric Nshimyumuremyi

On September 15, 2011, while he was returning home after participating in the trial of Mrs. Victoire INGABIRE, Mr. Eric NSHIMYUMUREMYI, chairman of the PS Imberakuri party in Kicukiro district was seriously shot by the police. He was later introduced by the police as someone carrying a firearm without authorization. He was never properly treated because the bullet shot at him still lodges in his chest. The doctors observed that his lungs were affected, and began to develop breathing problems. Long before he was transferred to court on November 8, 2011, Mr Eric NSHIMYUMUREMYI was repeatedly approached by the police to convince him to accept possession of a firearm. This was the condition that the police imposed on him so that he could be allowed to seek treatment. The objective pursued by the police was to mount an unauthorized possession of arms file against PS IMBERAKURI party leaders, Bernard NTAGANDA, president, and Alexis BAKUNZIBAKE, first vice-president acting as party president, in order to accuse them of attempted assassination of Mrs. Christine MUKABUNANI, whom the RPF continues to use in an attempt to destroy the PS IMBERAKURI party. In addition, the request for expertise of the crime weapon requested by his lawyer was closed without further action by the courts.

6. Enforced disappearances⁷

The absolute prohibition of enforced disappearances is part of customary international law. The International Criminal Court (ICC) has incorporated this prohibition into its statute and considers enforced disappearance a crime.

In Rwanda, enforced disappearances are commonplace and not considered a crime. Indeed, the Rwandan Penal Code stipulates that "any official of the State who places or maintains a person in detention without a legal order is liable to a term of imprisonment equal to the duration of the illegal detention of the person". An act of enforced disappearance is not yet defined as a crime under domestic law, although the Penal Code recognizes enforced disappearances as one of the acts that may constitute a crime against humanity.

A recommendation was made in Rwanda in 2011 on the occasion of the universal periodic review of the UN Human Rights Council on the ratification of the International Convention for the Protection of All Persons from forced disappearances; but it is clear that to date the ruling power has turned a deaf ear and continues to practice without enforced disappearances on Rwandans both those inside and outside the country.

In some cases, the fate of those concerned is still unknown several weeks later.

According to Human Rights Watch investigations, some victims are apprehended by the army, the local or national authorities. Some people forcibly disappeared were reportedly detained because they were suspected of being accomplices of the Democratic Forces for the Liberation of Rwanda (FDLR) or collaborating with them. And in this case, the Rwandan government and the police also threaten or mistreat the relatives of the person.

Several witnesses told Human Rights Watch in its 2014 report that they saw at a given time in 2013, a local government authority and RDF soldiers apprehend some of the people who disappeared. On 16 April, two village chiefs, Elie Semajeri and Shamusu Umubyeyi, and a traditional doctor, Jean-Bosco Bizimungu, were arrested in the Kabuga, Majengo and Ihuriro neighborhoods of Gisenyi secteur. Local residents said that soldiers, along with Gisenyi sector executive secretary Honoré Mugisha, apprehended these people near their homes. Witnesses also mentioned Mugisha as part of other disappearances. On 8 May, Mugisha told Human Rights Watch that he had heard rumors about the charges against him, but he said he did not understand them. He claimed that on

⁷ <https://www.hrw.org/fr/news/2014/05/16/rwanda-vaque-de-disparitions-forcees>

<https://www.hrw.org/fr/world-report/2015/country-chapters/268129>

<https://www.hrw.org/fr/news/2016/09/29/rwanda-une-activiste-de-lopposition-portee-disparue>

<https://www.hrw.org/fr/news/2017/09/28/rwanda-repression-politique-post-electorale>

<https://www.hrw.org/fr/news/2017/11/01/rwanda-contribution-de-human-rights-watch-la-commission-africaine-des-droits-de>

16 April he was in Ruhengeri, a town more than an hour from Gisenyi, to visit his sick mother, and he added that he had not learned of the disappearance of the two villagers only on April 18th. Yet six witnesses separately confirmed to Human Rights Watch that Mugisha was personally involved in the arrests on April 16. Witnesses told Human Rights Watch that when residents challenged Shamusu Umubyeyi's arrest, Mugisha said he took responsibility for it and said, "We will ask him a few questions and then release him. Similarly, Mugisha assured a person close to Semajeri: "He has to answer a few questions, [and] then we will release him."

6.1. Case of Mrs. Marie Claire Uzamukunda

Mrs. Marie Claire UZAMUKUNDA, Head of Administrative and Financial Department of Rwamagana Hospital in the Eastern Province of Rwanda, was badly abducted at the Nyabugogo Bus Station, a suburb of Kigali on January 24, 2016. According to Ubworoherane.com, Marie Claire UZAMUKUNDA left her home in Byumba district of Gicumbi at around 16:40 by public transport to Nyabugogo bus station. It was expected that a vehicle from the hospital would pick her up at the station. Just a few minutes before the vehicle arrives, Mrs. Uzamukunda gets a phone call from someone who claims to be in charge of her insurance and sets up a meeting point behind the station. While she showed up at the meeting place, her driver calls her to inform her of his arrival. Ms. Uzamukunda asks him to go to Remera on the road to Rwamagana and wait for her. The driver goes to Remera and waits for hours. He tries to reach her by telephone but in vain because she is no longer reachable. The enforced disappearance of Ms. Uzamukunda will last five months without anyone knowing what happened to her.

6.2. Case of Mr. Aimable Sibomana Rusangwa

Mr. Aimable SIBOMANA RUSANGWA, private secretary of the president of PS IMBERAKURI who has been missing since June 13, 2010 around 20:00 while returning home in Nyamirambo, Kigali. His case was presented to Mr. Maina KIAI, Special Rapporteur on the rights to freedom of peaceful assembly and association during his first visit to Kigali in January 2014. Reacting to his report No. A / HRC / 26/29 /Add.2 and A / HRC / 26.29 / Add.3 in its Chapter V, page 12, paragraph 41, the Kigali Government argues that this case has never been seized. However, the party has denounced it on several occasions. And, in response to this government note, his party produced on July 13, 2014 two letters signed for acknowledgment of receipt. One was sent on February 27, 2012 to the Ministers of Interior and Local Government and Internal Security and the second on May

27, 2012 was addressed to the President of the Republic. In most cases, the case is closed and there will be no trace of the missing person. Forced disappearances of Rwandans are not only within the country but also outside. Some examples could enlighten us.

6.3. Case of Lieutenant Joel Mutabazi

In August 2013, during a visit by President Paul KAGAME to Uganda, Lieutenant Joel MUTABAZI, a former member of the Presidential Guard for more than 20 years, was kidnapped on August 20, 2013 and brought back to Rwanda in a car, it is said, part of the presidential escort. He was tried and sentenced for collaboration with the FDLR and RNC. He is serving a life sentence in Rwanda.

6.4. Case of Mr. Aimé Ntabana

Aimé NTABANA, the former bodyguard of President Paul KAGAME, who had found asylum in Uganda, was kidnapped in May 2013 by persons belonging to Rwandan intelligence networks. Mr. NTABANA was the adopted son of Patrick KAREGEYA. His kidnapping took place sometime after that of Innocent KALISA who had also been a member of the presidential guard and bodyguard of President Paul KAGAME.

6.5. Case of Mr. Jean Chrysostome Ntirugiribambe

On June 23, 2015, Mr. Jean Chrysostome NTIRUGIRIBAMBE, a former Rwandan investigator at the International Criminal Tribunal for Rwanda (ICTR) and the International Criminal Court (ICC) in The Hague, was kidnapped in Kenya while he was shopping at the Nairobi market in front of the building on Tana Kamiti Road. Three armed men forced him into their vehicle registered KBUO2OE for an unknown destination. A few days later, following protests by outside civil society to Kenya's Public Prosecutor's Office, the Rwandan media reported that he was in Rwanda. From then on, no more news of his whereabouts.

6.6. Case of Mr. Emile Gafirita

The disappearance of Mr. J. Chrysostome NTIRUGIRIBAMBE had been preceded eight months earlier, by that of a certain Emile GAFIRITA, occurred almost the same way in Nairobi, when he was to appear as a defense witness before the French judge Marc TREVIDIC, on the case concerning the assassination of President Juvenal Habyarimana. Since this disappearance, there has never been news about him.

6.7. Case of Mr. Samuel Hitimana

Member of FDU – Inkingi, originally from Rusizi in Western Province, Mr. Samuel HITIMANA had just finished his university studies at KIST. He was put in jail for demonstrations. In 2014, he was acquitted by judgment, then released but he was unable to reach his home where his wife and child were waiting for him. He was reported missing, and to this day, there has never been any news of him.

6.8. Case of Mr. James Nigirente

Member of the PS Imberakuri party from Rusizi in the Western Province, Mr. James NIGIRENTE left his home in Kigali on January 9, 2014 to visit a friend living in Nyamirambo. He did not arrive at his friend's house, and his family did not see him again. Despite the research, there has been more news from him.

6.9. Case of Mr. Damien Bazimaziki

Party member PS Imberakuri was kidnapped by the Criminal Investigation Police (CID) but until now neither his wife nor his children do not know what happened to him because the police denies knowing where he is.

6.10. Case of Mr Jean Damascene Iyakaremye

Like Rusangwa Sibomana, Iyakaremye J. Damascene was kidnapped by Rwandan police while in Kampala. Nobody knows the fate that would have been reserved for him.

6.11. Case of Mr. Eugene Siborurema

Member of the FDU Inkingi party, Eugene Siborurema is from Nyanza. He was abducted from his home by the police. She denies knowing where he is.

6.12. Case of Mr. Valens Nsabimana

Mr. Nsabimana Valens was with Rusangwa Sibomana Aimable and Nsabimana Valens in Kampala when they were kidnapped by the Rwandan police. Nobody knows their fate since their arrest and abduction. Their families conducted research with the IDC, which claims to be unaware.

6.13. Case of Mr. Jean Damascene Munyeshyaka

Mr. Munyeshyaka Jean Damascène is from Nyanza district, Rwabicuma sector in the southern province. He is missing and no one knows where he is despite his family's research.

6.14. Case of Mr Phocas Habiyaremye

Mr. Habiyaremye Phocas is also from the Nyanza district, Rwabicuma sector in the southern province. He is missing and no one knows where he is despite his family's research.

6.15. Case of Mr. Serge Ndanyuzwe

Mr. Ndanyuzwe Serge is also from the district of Nyanza, Rwabicuma sector in southern province. He is missing and no one knows where he is despite his family's research.

6.16. Case of Mr Emmanuel Kamanayo

Mr. Kamanayo Emmanuel is from Nyanza district, Rwabicuma sector in the southern province. He is missing and no one knows where he is despite his family's research.

6.17. Case of Mr. Jean Paul Habimana

Mr. HABIMANA Jean Paul is from Nyanza district, Rwabicuma sector in southern province. He is missing and no one knows where he is despite his family's research. As for Munyeshyaka, Habiyaremye, Ndanyuzwe and Kamanayo, the police deny his presence within its walls.

6.18. Case of Mr. Dominique Shyirambere

Arrested on 25 March 2013 before the Supreme Court when he wanted to attend the trial of Ms. Victoire Ingabire Umuhoza, Dominique Shyirambere was held in custody for 30 days on the pretext that he had a badge on which was a picture of Victoire Ingabire with a T-shirt with the inscription "Democracy". After a legal journey, he was released by trial in June 2013, and then missing.

7. Forced conscription

In view of its various campaigns in eastern DRC, Rwanda has continued to enlist thousands of young Rwandans, very often against their will. Despite the loss of life on the ground of the absurd wars continuously reactivated by the Kigali power, campaigns continued to be carried out in the various corners of Rwanda in 2013 and 2014. This phenomenon did not fail to worry observers. For example, on 09 October 2013, Martin Koebler, head of the United Nations Mission in the DRC (MONUSCO), publicly accused Rwanda, in a press conference in Goma, of carrying out a recruitment campaign and military reinforcement of the rebellion of the March 23 Movement (M23). This finding was previously established by concurring sources. According to a report published by the BBC, dated August 1, 2013, "Not far from ninety percent (90%) of the fighters of the rebellion M23 fighting in the east of the Republic Democratic Republic of Congo (DRC), are soldiers of the Rwandan army, a large majority of whom were engaged against their will and that of their families, "the BBC told a Rwandan recruited and forced to join the ranks of the rebels of the M23, who was subsequently forced to flee the front to seek asylum in Uganda.

It was from their exile in Uganda that they gave their testimony to the BBC on Tuesday 31 July 2014. Another defector who was studying medicine in Rwanda during his forced recruitment for the M23, told the BBC, he treated more than 300 combat-wounded M23 combatants, most of whom were Rwandan. Already, on June 20, 2013, 16 Rwandan students (14 men and two women) had still applied for asylum in Uganda, claiming that they had been harassed by the authorities of their country for refusing to join the rebels of the M23. Two of these fugitive students said they refused to participate in the program because their friends who went there never returned. The same practice of forced enlistment for the DRC war has particularly affected the Northern Province of the country. Thus, according to concordant information, on November 13, 2013, in the Rubavu district, police and senior army officers gathered thousands of youths at the Gisenyi stadium to force them to enlist, "whatever the cost," in the armed forces.

As usual, Rwanda has continued to deny support for the M23 despite accumulating evidence to the contrary. In 2014, the power of Kigali did not decrease in intensity to prepare for the DRC war. Thus, on 20 November 2014, concordant sources reported on a communiqué from the Ministry of Defense of Rwanda, dated 22 October, calling under the flag of young people between 18 and 23 all the districts of Rwanda. After the release of this communiqué, the mayors were given instructions to hurry up on the hills, accompanied by elements of the DASSO militia, to gather young people in this age group. As a persistent rumor indicated the authorities' intention to send the new recruits to DRC, the

youth did not rush to enlist. It should be noted that even many who had been recruited tried to escape well before their departure on the front. For example, a military police brigade was put in the hands of deserters who were interned in a camp on IWAWA Island where, after being indoctrinated with a war reconditioning, they were to be transported to the front in the DRC.

8. Torture and cruel, inhuman and degrading treatment⁸

On October 10, 2017 HRW released a 102-page report, titled "*We Will Oblige You to Confess': Torture and Illegal Military Detention in Rwanda.*" It documents illegal detention in military camps as well as widespread and systematic torture by members of the military. Human Rights Watch found that judges and prosecutors ignored complaints by former and current detainees about illegal detention and ill-treatment, creating an environment of total impunity. Between 2010 and 2016, dozens of people suspected of collaborating with "enemies" of the Rwandan government were illegally detained and tortured in military detention centers by Rwandan soldiers and intelligence agents. Some of these people have been held in unknown places, sometimes in secret, for long periods and in inhumane conditions.

To extract confessions on imaginary charges, to "format" potential prosecution witnesses in politically-related court cases, or simply to inflict real or perceived political adversaries, the RPF's guardians of power systematically resort to torture and cruel, inhuman and degrading treatment. Recurrently, concordant testimonies denounce these practices, in a country that has nevertheless ratified the international instruments *ad hoc* and reviewed, several times its criminal codes and criminal procedure.

Thus, in addition to multiple testimonies of victims of these practices, authorized voices denounced, with supporting evidence, the systematic use of torture in Rwanda. The DMI military intelligence services are particularly singled out for their repeated resort to torture in order to make people talk. In an interview with Erwin van der BORGHT, Amnesty International's representative in Africa, he told the BBC how it has normalized the culture of torture in Rwanda; it is based on investigations that his organization has been conducting for the past two years in Rwanda. Also relying on reports of the Geneva-based UN Committee Against Torture, he announced that between 2010 and 2012, at least 18 people were abducted and confined in secret prisons often set up in military camps where they suffered cruel treatment.

⁸ <https://www.hrw.org/news/2017/10/10/rwanda-unlawful-military-detention-torture>

According to revelations from civil society organizations and former victims, the reputedly cruel military intelligence agency DMI has set up several prisons as torture laboratories, especially in the KAMI and MUKAMIRA military camps. In these camps all kinds of torture are done: punches, kicks, often chained or suspended people. Electrocuting is cited as the preferred method of the Directorate of Military Intelligence (DMI) torturers. The former victims also evoke other methods of torture such as stifling by a bag on the head, long hours arms and feet chained from behind.

In addition, all those who are sequestered and tortured are isolated in often unlit cells without access to the services of a lawyer or doctor. According to many people who have been released, the use of torture has intensified significantly in Rwanda since 2010. More recently, in early January 2013, MPANGA prison was the scene of worst practices of torture. For example, Major NDAGIJIMANA, MUNYAGISAKA, SEBAHAMBIZI Ezekiel, MAZIMPAKA, SAID, UWIMBABAZI Emile and Diallo Calixte KAGABO were transferred from the so-called 1930 central prison to this sinister prison in MPANGA where they were savagely tortured. The same practices continued throughout the year 2013. Thus, in September 2013, 4 students, namely Emmanuel NTAKIRUTIMANA, Jean Baptiste ICYITONDERWA, Samuel HITIMANA and Martin NTAVUKA, suspected of having been instigators of a scholarship application to the Prime Minister, were arrested, and brutally thrown into the KICUKIRO Police Station for torture. In addition to being beaten, they spent several days in narrow black cells, totally cut off from any visit and assistance, and deprived of food.

9. Arbitrary detention

All the leaders of the opposition were sentenced and systematically imprisoned on the basis of two articles of the Penal Code:

Article 461: Offense against the Established Power or the President of the Republic

Anyone who:

1 ° resorts to armed force or any other violence with a view to undermining or overthrowing the established power;

2 ° violates the person of the Head of State for the same purposes referred to in point 1 of this paragraph is punishable by life imprisonment.

Article 463: Provocation of Uprising or Disorders of the Population

Any person who, either by speeches held in meetings or public places, or by writings of any kind, images or emblems of any kind, displayed, distributed, bought or offered for sale or displayed to the public, or by knowingly spreading false rumors, excites or attempts to excite the population against the established power, raises or tries to raise citizens against each other, alarms the population with the intention of sowing unrest on the territory of the Republic of Rwanda, is liable to imprisonment of ten (10) years to fifteen (15) years.

Criticizing the violations of human rights and the malfunctioning of the system established by the RPF is simply punishable by 10-15 years of imprisonment.

The leaders of the FDU-Inkingi residents in Rwanda were arrested on September 6, 2017. In the shelter of the eyes of the diplomatic representations, media and human rights observers, in an empty room, and in the absence of the accused, On October 24, 2017 the judge of the Court of Appeal denied bail to all 7 members of the FDU-Inkingi. It is the First Vice President Boniface Twagirimana with his colleagues: Fabien Twagirayezu; Léonille Gasengayire; Gratien Nsabiyaemye; Evode Mbarushimana; Norbert Ufitamahoro; Theophile Ntirutwa, and Venant Abayisenga.

The saga of the Rwigara family continues

Officially arrested on September 23, 2017, the detention of Ms. Diane Rwigara and her mother Mrs. Adeline Rwigara was unfairly extended on the basis of false accusations with variable geometry. Rwanda has ratified various international human rights instruments that protect the human person against any abuse of liberty. This is true of the Universal Declaration of Human Rights of 10 December 1948 (Arts.3 and 9), the International Covenant on Civil and Political Rights of 1966, which guarantees the right to liberty and security of the person. The African Charter on Human and Peoples' Rights of 1981 (Article 6); 1984 Convention against Torture (art.15), etc. Indeed, no one can be arrested or arbitrarily detained. No one may be deprived of his liberty except for reasons which conform to the law.

The Rwandan Constitution guarantees the rights of the person. Thus no one may be subjected to torture, beatings or cruel, inhuman or degrading treatment. No one may be prosecuted, arrested, detained or sentenced except as provided by law. After the UN Human Rights Council adopted the latest outcome of the Universal Periodic Review (UPR) on Rwanda, Amnesty International expressed

satisfaction that Rwanda had accepted all the recommendations, but added: "Kidnappings, enforced disappearances and *incommunicado* detentions, rare in Rwanda in recent years, increased in 2010 as authorities investigated a series of bombings." Amnesty International deeply regrets that Rwanda has rejected the recommendation urging it to investigate cases of enforced disappearances and arbitrary arrests and detention. " Although the government says it intends to ratify the International Convention for the Protection of All Persons from Enforced Disappearance, it is still reluctant to investigate such cases. It is clear that it always blows hot and cold; hence the ineffectiveness of the legal procedures in the matter of deprivation of liberty. He has drawn up a liberticidal "wall of laws", as General Kagame proclaimed himself, insurmountable by the opponents.

10. Ineffectiveness of the legal procedures of deprivation of liberty

The deprivation of liberty is, in Rwandan criminal law, framed by imperative procedures whose disrespect exposes its author to criminal prosecution (articles 88 and 89 of the Code of Criminal Procedure). After the stages of arrest (an arrest report of a maximum duration of 72 hours) and the provisional arrest (a Provisional Arrest Warrant of 7 days non-renewable), no one should be detained for more than one month (Provisional Detention Order for a period of 30 days). However, the extension of the provisional arrest in the dungeons and the brigades, as well as the preventive detention in the prisons (up to 6 months for a crime and up to 12 months for a crime) is, in Rwanda's system of criminal procedure, the rule and not the exception. If, by law, no one should be detained in Rwanda more than 54 weeks, thousands of detainees spent years in prison before being tried. The situation is invariable in the different prisons of Rwanda. The excessive lengthening of pretrial detention has become such a trivialized practice that detainees, who languish in Rwandan detention centers, consider the appearance before a judge to be a relief.

Moreover, many prisoners are held in military camps where safeguards that protect people held in police stations, including other official detention centers, are circumvented. Individuals who are held illegally out of sight are also subject to torture and cruel, inhuman and degrading treatment. Thus, individuals have been arrested, often arbitrarily, by the army, sometimes acting in co-operation with the police, as part of investigations by the Rwandan authorities into security issues. The people concerned were almost all men aged 20 to 45 years. After their arrest, men were held *incommunicado* and interrogated by cruel military intelligence agents.

Families and relatives were unable to confirm their whereabouts and whether they were still alive. Sometimes, these had actually disappeared. The authorities systematically denied the detention of the persons concerned or did not respond to requests for information from families and lawyers. During their detention in the hands of the army, which often lasted for several months, the detainees were deprived of contact with their families and their lawyers as well as medical care.

The fact that the families of the disappeared ignored the place of detention of their relatives had very significant psychological consequences. Since the missing were almost all men, and the raids were most often carried out by people belonging to the same community, the relatives of the male prisoners lived in constant fear of being arrested in their turn. As for women - wives, mothers and sisters - they had to try to find their relatives, sometimes forced to resort to corruption.

Who has the power to arrest?

Since the beginning of 2010, the role of the army and police in arresting individuals suspected of threatening national security has become increasingly blurred. As a result of this vagueness, as of the middle of 2010, enforced disappearances, acts of torture and other forms of ill-treatment perpetrated against persons in detention centers increased. These joint operations severely limited surveillance and confused hierarchical links. As a result, those responsible for human rights violations are less likely to be held accountable someday. The Military Intelligence Service, J2, operates a parallel system of arrest and detention. This system inside a system is largely reserved for those suspected of threatening national security. Most of these suspects are only for political reasons.

There are journeys within the detention system, involving transfers of prisoners from one place to another. As a result, it is more difficult to know where they are being held and they are more likely to be tortured and abused. Former prisoners claimed that they were blindfolded during transfers from one place of detention to another, with most of the transfers taking place at night. One man described his transfer from the Ministry of Defense to an unknown location, which he later learned was Camp KAMI: "They took me to a vehicle. After about an hour they stopped and took off the blindfold that covered my eyes. They took all my clothes and gave me a military uniform. "

This set of irregularities means that today there are about 7099 detainees who have no criminal record, or whose files are empty or fanciful. The leaders of Rwanda have themselves admitted this situation to the Voice of America. The National Prison Service has stated, as of July 30, 2014, that more than 30,000

detainees who had been sentenced to community service (GAT) were missing.⁹ It is legitimate to ask how and by what means such a large number of people can disappear without the authorities knowing it. As of June 2, 2014, the national authorities stated that in the NGORORERO region, more than 16,000 people have disappeared. One may recall that in 2014, several dozen bodies were found floating in Lake RWERU¹⁰, which gave rise to a controversy between the authorities of Rwanda and those of Burundi. Jean Berchmas Mpabansi, a Burundian official told the BBC that: "The victims are not Burundian citizens because the bodies are coming from Akagera River flowing from Rwanda."

⁹ <https://www.globalresearch.ca/second-genocide-in-rwanda-slow-silent-and-systematic/5398459>, accessed on 02 December 2017

¹⁰ <http://www.bbc.com/news/world-africa-28940020>

11. Failure to respect fair trial guarantees

The universal cardinal principles for establishing a fair judgment are based on:

- The right to have an independent and impartial judge;
- The contradictory principle;
- Respect for the rights of the defense and;
- Equality of arms.

The principle of equality of arms "implies the obligation to offer each party a reasonable opportunity to present its case ... under conditions which do not place it in a situation of great disadvantage compared to its adversary." (Ms. Dominique KARSENTY). The Convention for the Protection of Human Rights and Fundamental Freedoms opposes the interference of the legislature in the administration of justice in order to influence the judicial settlement of disputes. At the 2011 UPR, Rwanda accepted the recommendations to "continue reforms of its justice system", notably to eliminate corruption and political interference and improve witness protection.

Human Rights Watch notes in its 2014 global report that despite legal reforms and administrative improvements, Rwandan justice still lacks independence, leading to unfair trials in a number of politically sensitive cases.

11.1. The case of Mrs Victoire Ingabire

The case of Mrs. Victoire INGABIRE UMUHOZA remains a case study and still relevant. The Amnesty International report entitled *Rwanda: Justice in jeopardy - The first instance trial of Victoire Ingabire*¹¹ tells us how Mrs. INGABIRE was deprived of a fair trial:

"The Ingabire trial was tainted with irregularities, and international standards were flouted," said Sarah Jackson, then Acting Deputy Director of Amnesty International's Africa Program. Victoire Ingabire was convicted of conspiracy against the authorities by terrorism and minimization of the 1994 genocide, then sentenced to eight years of imprisonment on October 30, 2012. At the beginning of the investigation, Paul Kagame, the Rwandan president, made statements in

¹¹ Amnesty International, March 2013, Index: AFR 47/001/2013,

the media and on Twitter about the alleged guilt of Victoire Ingabire, which were contrary to her right to the presumption of innocence. The terrorism charges were largely based on confessions obtained after a period of detention under the responsibility of the army at Camp Kami, where torture would be used. The court did not sufficiently investigate this aspect of the trial. "Amnesty International has documented reports that detainees have been subjected to torture and other forms of ill-treatment at Camp Kami. The fact that at least two men tried at the same time as Victoire Ingabire was incarcerated for months before incriminating him gives rise to serious concerns and must be investigated. "

Amnesty International observed the trial almost entirely from September 2011 to April 2012, and found that Victoire Ingabire was treated unfairly on numerous occasions. The judges appeared to be seeking confrontation with the defense, and the accused was regularly interrupted or reprimanded by the magistrates. The evidence was treated differently depending on whether it was produced by the defense or the prosecution: those presented by the defense were repeatedly challenged, while fundamental issues related to the information provided by the prosecution were not asked.

Other charges against Victoire Ingabire at the beginning of the trial, those concerning his remarks, were based on vague and imprecise laws sanctioning the "ideology of genocide" and "discrimination and sectarianism", and the defense would have had difficulties to determine how his behavior constituted an offense. These laws were adopted to block hate speech in the years following the 1994 genocide. However, the vague wording of these texts has been misused to criminalize freedom of speech, opinion and opposition.

According to Sarah Jackson, "after reviewing the evidence in the trial, Amnesty International does not see what suggests Ingabire's intent was to incite violence or hatred against an ethnic group. "The government has committed to revise the" genocide ideology "law to bring it into line with Rwanda's obligations under international law, she said. Keeping this promise would be a welcome initiative. " The judicial authorities must now guarantee that Victoire Ingabire has an appeal procedure that meets international standards for fair trial. "Opponents of the Rwandan authorities have been subjected to harassment and intimidation, or have been detained. A fair appeals process would show that political trials are handled independently, "said Sarah Jackson. The organization does not take a position on the possible culpability of Victoire Ingabire.

Before the Supreme Court, the Applicant recalled the violation of her rights (Right to an Independent and Impartial Court, Right to Equality of Arms and to the adversarial principle, the obligation of the jurisdiction of the court to instruct and the principle of the legality of offenses and penalties, the right to a judicial decision motivated in fact and in law, the right to freedom of expression, thought, opinion, etc ...) which constitute the very substance the right to a fair trial.

Despite these violations, the Supreme Court issued a judgment on 13 December 2013 declaring Mrs Victoire INGABIRE UMUHOZA guilty of conspiracy offenses with a view to undermining the power established through the use of force and any violence, to the minimization of the Genocide and the spreading rumors likely to excite the population against established powers and to raise citizens against each other.

Since then, her sentence has been increased, from 8 to 15 years in prison for purely political reasons because in reality, in running for the 2010 presidential election against General Paul KAGAME, she was only exercising its constitutional rights.

In view of the various irregularities that characterized her trial and the violations of her human rights, Ms. Victoire INGABIRE UMUHOZA filed in September 2014 a motion to institute proceedings before the African Court of Human and Peoples' Rights, based in Arusha, Tanzania. In its judgment of 24 November 2017 the African Court of Human and Peoples' Rights confirmed that the rights of expression, political rights and rights of defense had been violated. The Court recognized that the justification of the sentences imposed on her on the basis of articles 461 and 463 of the Rwandan Penal Code, and on the basis of the negation of the genocide, reference made to the speech made on the memorial of Gisozi, was without foundations and is a constituent part of the violations of rights mentioned above.

This lack of independence of the Rwandan judiciary in politically sensitive cases becomes characteristic in most cases. Let us note again, as an indication but not exhaustive, the cases of Déogratias MUSHAYIDI and Dr. Christophe MPOZAYO.

11.2. Case of Mr. Déogratias MUSHAYIDI

After his kidnapping and extradition to Rwanda on March 05, 2010, Mr. Déogratias MUSHAYIDI, President of PDP-Imanzi was detained in an unknown place for more than a week. Following the many interventions of organizations such as Amnesty International, the Rwandan government has finally acknowledged that it held him. After a mock trial without witnesses for the prosecution or the defense, the president of PDP IMANZI was sentenced to life

imprisonment for purely political reasons. Today, he is serving his sentence in inhumane conditions at Mpanga Prison. He is not allowed to meet other detainees because, according to the prison authorities, he could incite them to civil disobedience. He remains in solitary confinement all week and only goes out to attend the Sunday Mass or during visits by party members.

11.3. Case of Dr. Christophe MPOZAYO

Dr. Christophe MPOZAYO, Database Administrator for the EAST AFRICA ASSEMBLY, was arrested on November 7, 2013 at dawn as he was getting ready to fly back to his service in Arusha. The reason for his arrest is to have exchanged messages on SKYPE with Jean-Damascene MUNYAMPETA, Secretary General of the opposition political party "PDP-Imanzi". The prosecution claims that during these exchanges, Dr. MPOZAYO criticized the way in which the political party of the RPF in power manages the country. He is prosecuted under Article 463 of the Rwandan Criminal Code on the spread of rumors or information likely to create uprisings or disobedience in the population. However, for this to be criminally wrong, it must have been said in public. At the trial, the prosecution could not prove that Dr. MPOZAYO publicly made those comments. Therefore, he could not be charged with a violation of Article 463. He was acquitted on 31 March 2014. Forty minutes after the acquittal, while preparing to join his family in Nairobi, he was again arrested for the same charges on the grounds that the prosecutor had just acquired new items, namely two witnesses who would have appeared, claiming to have participated in the Skype exchanges between Mr. MUNYAMPETA and Dr. MPOZAYO and that, as a result, their remarks are qualified as public.

At the new trial in April 2015, the prosecutor was unable to present the witnesses in question, and despite their absence, Dr. MPOZAYO was sentenced to 7 years' imprisonment for the charges he had been cleared of. He has appealed but remains in custody at MIYOVE Prison.

12. *The instrumentalisation of the prison world*

The crushing and psychological blackmail in the Rwandan prison environment is such that detainees in Rwandan prisons have been repeatedly used for different purposes. Among the many facets of the instrumentalisation of the Rwandan prison environment, it is necessary to confine ourselves to the most emblematic: the use of detainees as witnesses in several trials before the International Criminal Tribunal for Rwanda (ICTR) and, more recently, the involvement of

Rwandan prisons in the campaign for the amendment of Article 101 of the Constitution to allow President KAGAME to seek a third term.

More and more Rwandan prisoners were brought to the ICTR to testify in the genocide trials. These witnesses, most of whom confessed to Rwandan justice for participating in the genocide, were temporarily detained at the UN detention center for the duration of their stay in Arusha. This is how, until the ICTR closed its doors, the practice of maintaining "Arusha blocks" in the Rwandan prisons, whose residents were selected, maintained and meticulously trained in the optics to testify against the ICTR against former dignitaries of the Habyarimana regime. There was, therefore, preferential treatment for those detainees to appear as prosecution witnesses at the ICTR in Arusha. This privileged status of "prisoner witness at the ICTR" was highly coveted, leading detainees, who were on trial or were already convicted, to wrongly claim knowledge of the facts complained of before the ICTR. But the aim was twofold: under the 1996 law on the repression of genocide, any prisoner in Rwandan prisons who undertakes to collaborate with the prosecution is granted criminal pardon. Thus, many inmates in Rwandan prisons were used by the Rwandan government to obtain unexpected convictions of former Hutu cadres of the previous regime considered, above all, as political enemies by the RPF power.

The campaign that led to the amendment of Article 101 of the Rwandan Constitution to allow President Paul KAGAME to run for a third term has not forgotten the prison environment. Indeed, despite the ancillary penalty of civic degradation, which normally prevents prisoners from enjoying civil and political rights, large groups of prisoners have formed to sign petitions for the amendment of the Constitution, an act eminently political. Thus, 2870 prisoners from RUSIZI prison and 1724 prisoners from RUBAVU prison, to name but two, signed petitions that had been carefully prepared and submitted to them. According to concordant sources, there was pressure and blackmail for prisoners to acknowledge their identity and sign petitions.

12.1. Inhuman conditions of detention

Although the number of detainees in Rwandan prisons has significantly decreased in recent years to around 50,000 in all state prisons, logistical problems remain a constant concern. In a report released in December 2014, the High Commissioner of the Prison Service, General RWARAKABIJE, recalled this problem, citing among others the NYANZA and HUYE prisons in the Southern Province, which house 130% of their capacity. This promiscuity has many consequences for the daily lives and the fate of the prisoners of Rwanda. Strong promiscuity generates or aggravates contagious and non-contagious diseases.

Indeed, it is impossible to keep the premises in a minimum of hygiene and cleanliness. The humidity, the insalubrities, the bad weather, the lack of water and the failure of the toilets, etc, all these problems denounced regularly by the families and the non-state actors intervening in prison, do not seem to be the priority for the government. As a result, the mortality rate remains high in the Rwandan prison environment. Some prisons remain reputed for morbidity and the risk of dying for detainees. Those prisoners living with serious illnesses have absolutely no chance of escaping.

In some prisons there is a compartment for prisoners sentenced to life in isolation. Imprisonment in isolation is an inhuman and degrading treatment that affects some two thousand prisoners in Rwanda. However, in the opinion of the High Commissioner for Prisons, Rwandan prisons do not have the means to provide a minimum life for convicts in isolation. While this measure remains unfulfilled in most cases, the mixture of life and short-term prisoners is a circumstance that leaves them with no chance of amendment and rehabilitation. Violence on the part of prison staff but also between detainees remains an effective reality although not reflected in official reports and statistics. Here is an example of the reality of what is happening at Muhanga Prison. A delegation from EU countries represented in Kigali visited Muhanga prison and was denied access to the interior of this prison.



Life prisoners - all Hutu - in Muhanga (formerly Gitarama) Prison are, according to the Global Research caption, regularly "hung, cuffed and crucified."

13. Restrictions on freedoms of expression and association

Despite accepting the recommendations made at its 2011 UPR, freedom of expression in Rwanda has not improved much. On the contrary, regarding respect for freedom of expression, Rwanda rose from 161st rank in 2012 to 162nd in 2015

out of 180 countries. Indeed, the Rwandan government has increased censorship and repression of the media in violation of its commitments.

13.1. Censorship and repression of the media

In his report to the UN Human Rights Council in June 2014, Maina KIAI, UN special Rapporteur on freedom of association and assembly, referred, among other things, to the "prevalence opposition to any vigorous debate and free expression of opinion in Rwanda, the government's hostility to peaceful initiatives by its detractors and the existence of a legal framework that allows for silence dissenting voices ". Although the Rwandan government has rejected many of the findings of the Special Rapporteur, there is ample evidence of the gradual and programmed deterioration of freedom of expression. Thus, the government has distinguished itself by intimidation of any journalist, including foreigners, daring to question Rwandan politics. This was the case, for example, of Steve Terrill, a freelance American journalist, who was denied on Saturday, March 15, 2014, access to Rwandan territory while traveling to Kigali cover for *Al Jazeera* and *The Christian Science Monitor* commemorates 20 years of the 1994 genocide. Arriving in Kigali, he was prevented from entering the country and was detained for several hours without being able to call, before being put on a plane bound for Addis Ababa.

13.2. Harassment of journalists

Harassment of the information actors also extends to those residing in neighboring countries. For example, several Ugandan journalists who have dealt with issues related to Rwanda have recently been the target of disturbing threats from the Rwandan authorities, including through their intelligence and security services abroad. For example, since a press conference on June 18, 2013, Tom Malaba, an experienced journalist currently working for an online news agency, the *Ugandan Radio Network*, says he is continually monitored and claims that his home has been attacked overnight. On 14 February 2014, Ivan Okuda, a freelance journalist for *The Daily Monitor*, was forced by his management to make a public apology. On 16 February 2014, Andrew Muhanguzi, the brother of an exiled Rwandan journalist and editor of the *Umuvugizi* news site who lives in Sweden today, was reported missing. He was arrested in Kampala by men posing as Ugandan police.

14. *Human hunting continues in Rwanda*

Édouard Mutsinzi, former editor of the newspaper *Le Messager* found himself in exile in Belgium after escaping an assassination attempt that made him disabled - he was seriously injured in back and lost the use of his voice. Another journalist, this time, from Rwandan television, Emmanuel Munyempanzi, was shot dead. (...) Jean-Pierre Mugabe, former editor-in-chief of the newspaper *Le Tribun du Peuple*, (...) exiled to the United States, the Kigali regime did not hesitate to send him hired assassins, to eliminate him. Appolos Hakizimana, editor of the bi-monthly *Umuravumba*, was shot twice in the head. Mr. Jean-Marie Hategekimana, journalist of the government weekly *Imvaho* was murdered. Two *Umuseso* journalists, Mugisha Furaha and Kadafi Rwango, were injured in an assassination attempt. Jean Bosco Gasasira, editor of the newspaper *Umuwugizi*, victim of an assassination attempt to Edouard Mutsinzi. In June 2010, Jean-Léonard Rugabage, editor-in-chief of the newspaper *Umuwugizi*, was shot dead outside his home in Kigali. Tharcisse Semana, another Rwandan journalist, exiled to Switzerland after miraculously escaping the henchmen of the Directorate of Military Intelligence (DMI).

Similarly, the journalist and director of *Amazing Grace*, Cassien Ntamuhanga, was sentenced on February 27, 2015, to 25 years in prison by the Kigali court, following a trial initiated in November 2014. While pleading not guilty, the journalist was found guilty of all the charges against him, namely the "formation of a criminal group", "conspiracy against the government or the president of the Republic", "complicity of terrorism", and "an agreement to commit an assassination". On 25 October 2014, an *ad hoc* commission set up by RURA, the government regulator under the Prime Minister's authority, suspended the *Rwandan Broadcasting Corporation's* (KBC) Kinyarwanda service. This medium had dared to broadcast a television documentary titled "*Rwanda's Untold Story*".

A few days later, the *Rwandan Media Commission*, an independent body of self-regulation of the media, was the subject of a fierce destabilization campaign against both the BBC's legal mandate and its president. The Commission had questioned the decision to suspend BBC broadcasts in Rwanda. The campaign was also conducted by relatives of power such as Arthur Asiimwe, director of *Rwanda Broadcasting Agency*, the public television. In fact, the government's decision to suspend BBC broadcasts only "confirmed the grave and continuing deterioration of freedom of information in Rwanda," says Cléa Kahn-Sriber, head of RSF's Africa office.

Independent media have been reduced to a trickle; it seems that the Rwandan government is now attacking the international media, with specific tools to legalize censorship. "This policy has not stopped. Proof of this is the reinstatement in February 2015 of the Prime Minister's decree on the regulation of the media. It

involves transferring many regulatory responsibilities from RMC, an independent body, to the government regulator, *Rwanda Utility Regulatory Authority* (RURA).

15. *The muzzling of civil society*

Rwanda has accepted all the recommendations of the last UPR to ensure the protection of human rights defenders. However, independent civil society organizations remain extremely weak as a result of intimidation and infiltration by the state for many years. In July 2013, members suspected of being in favor of the government took control of the leadership of the last effective Rwandan human rights organization, the *Rwandan League for the Promotion and Defense of Human Rights* (LIPRODHOR), by a maneuver carried out in violation of the statutes of the organization and the Rwandan law. The Rwandan Governance Office, which oversees Rwandan non-governmental organizations (NGOs), recognized the new LIPRODHOR hierarchy a few days later. The ousted leadership of LIPRODHOR lodged a complaint in court, but the Nyarugenge High Court in Nyamirambo (Kigali) ruled in August 2014, on the basis of procedural arguments, that the complaint was not admissible. The dismissed leaders of LIPRODHOR appealed. On March 23, 2015, the High Court judge in Kigali dismissed the appeal filed by members of the "legitimate" board of directors of LIPRODHOR. Mr. LAHIDJI Karim, President of the FIDH, declared on April 3, 2015, following the judgment of this court, that the FIDH considers that there is no longer an independent NGO of the human rights leagues in Rwanda. Indeed, the newly elected committee has vowed its allegiance to the ruling RPF regime and cannot denounce the human rights violations committed by the regime.

On 18 July 2013, an anti-corruption activist, Gustave Makonene, coordinator of *Transparency International Rwanda's Advocacy and Legal Advice Center* in Rubavu, was found dead in Rubavu. In September 2014, two police officers were arrested in connection with the investigation into this murder. After initially denying being involved in the murder, the two suspects pleaded guilty and were sentenced to 20 years in prison in January 2015.

Rwanda pledged to follow the recommendation to replace the requirement for an annual registration of NGOs with a renewable five-year accreditation and to reduce the burden of accreditation procedures in general. However, these procedures remain very burdensome. NGOs can only obtain a five-year accreditation if they provide proof of their funding throughout this five-year period - a requirement that most NGOs are unable to fulfill.

16. *Violations of privacy*

"The protection of privacy is a right that opens up to others, and affects our ability to exercise almost all our other rights, including freedom of expression and association with those we choose, and our right to make political choices, practice our religious beliefs and build our family life. " Contrary to this principle, the security, dignity and fundamental values of the Rwandan people rest only on the goodwill of the RPF in power. The right to privacy does not exist in Rwanda. Everyone is watching everyone. The soldiers are watching each other, the politicians are watching each other, the agents of the state are watching each other, the peasants are watching each other, the husband is watching his wife and vice versa, the children are watching their parents and parents, their children. As if that were not enough, the establishment of an intelligence system is so developed in Rwanda that the digital age in which we live has a great impact on the unwanted exposure of our emotional, psychological and even physical security. All aspects of everyday social life are on display online. The Rwandan government has acquired a huge capacity to collect and search for digital documents, wiretapes, social media, so that it has the power to know every Rwandan in the smallest of its meanders. The Rwandan state has the power to know its' people in the slightest detail.

The Kigali government is taking advantage of this situation to physically eliminate all those who are suspected of constituting a potential danger against the regime. It does not go by four ways, because the solution is to kidnap the civil or military person, from any corner of the world, to bring him into the basement of its KAMI military slaughterhouse. This system has been widely discussed above.

17. *The repression of the political opposition*

The regime of the RPF in power makes all kinds of attempts to intimidate, sabotage and eliminate the political opposition that is organized and provides all kinds of efforts and martyrs to defend the people wounded by the abuses and abuses of this regime to establish a true democracy based on the power of the people. The Rwandan Penal Code makes it possible to renew pre-trial detention 9 times; this amounts to saying that a person can be arbitrarily detained 9 months by basing himself improperly on articles 461 and 463 lambasted by the ACHR:

Article 461: Offense against the Established Power or the President of the Republic

Anyone who:

1 ° resorts to armed force or any other violence with a view to undermining or overthrowing the established Power;

2 ° violates the person of the Head of State for the same purposes referred to in point 1 of this paragraph is punishable by imprisonment for life.

Article 463: Provocation of Uprising or Disorders of the Population

Any person who, either by speeches held in meetings or public places, or by writings of any kind, images or emblems of any kind, displayed, distributed, bought or offered for sale or displayed to the public, or by knowingly spreading false rumors, excites or attempts to excite the population against the established power, raises or tries to raise citizens against each other, alarms the population with the intention of sowing unrest on the territory of the Republic of Rwanda, is liable to imprisonment of ten (10) years to fifteen (15) years.

17.1. FDU INKINGI

Since 6 September 2017, FDU-Inkingi's leadership in Rwanda has been completely beheaded. It has now become an FPR tradition that opponents, who have been arbitrarily imprisoned and appear before Rwandan courts completely submissive to the dictatorship of the RPF, are accused of forming armed groups to overthrow the RPF dictatorship. The RPF finds informers that he stops with those he wants to indict, and who will serve as witnesses to the prosecution. The one who excels in the theatrical play and respects the instructions is released and even rewarded.

Ms. Diane Rwigara has also been charged, inter alia, with a similar crime of "intelligence with a terrorist organization" for attempting to run in the presidential elections as an independent candidate.

17.1.1. The party president

While the trial of Mrs. Victoire INGABIRE UMUHOZA, president of FDU INKINGI, opposition party to the regime of the RPF in power, was ongoing before the African Court of Human and Peoples' Rights, the Rwandan government makes her suffer in his detention, inhuman and degrading treatment. As of July 10, 2015, special restrictions were imposed on him. She was notably deprived of the visit of her lawyer; the books of reading and prayers were taken away from her; she was forbidden to wear her usual shoes and was only allowed to put on her sandals; the window of her cell was smoked all over the surface so that light could not penetrate her cell. In the days that followed, her food was searched, shuffled with forks picked up from the mud, supposedly looking for drugs. On 18 August 2015, the Ambassador of the Netherlands to Rwanda, Ms F. de Man, accompanied by two Dutch members of Parliament visiting Rwanda, went to visit her.

The Dutch delegation was able to see the inhuman conditions of detention imposed on Mrs. INGABIRE UMUHOZA and a double speech from the Rwandan authorities. Indeed, despite the insistence of the Dutch delegation that the visit be conducted without witnesses, the prison management categorically refused and the prison director himself attended the visit. On several occasions Ms. INGABIRE UMUHOZA had to publicly contradict the director of the prison, as when he dared to affirm that it was at the request of Mrs. INGABIRE UMUHOZA that the window of her cell had been tinted in black to prevent any ray of sunshine. The day before this visit, the prison management had removed the painting to no doubt look good in front of this delegation. It was the same when the director stated that Ms. INGABIRE UMUHOZA had denied the genocide, which is wrong.

The prison management also lied, stating that INGABIRE UMUHOZA's lawyer was free to consult her client whenever he wanted. However, on the morning of the visit day of the Dutch delegation, his lawyer, Mr. GATERA, was served by the RCS (Rwanda Correctional Service) that he had to wait for a written answer before meeting his client. The RCS did not indicate when this response would occur. The government newspaper "The new Times" resumed its media harassment campaign against Ms. Ingabire. In an article published on August 19, 2015, a Rwandan parliamentarian, Ms. Juliana Kantengwa, accuses Ms. Ingabire of having preached the double genocide in her speech of "We will not let anyone take Rwanda back". Ms. Juliana said without blinking that when Ms. Ingabire left the country under the regime of the late Habyarimana, "Tutsi were not allowed to go to school" (she left the country at a time when the Tutsi were not allowed to go to school, it was illegal for Rwandan army men to marry Tutsi women, and when she was living in The Netherlands, she never opposed that). How to preach ethnic reconciliation by distilling such intoxication? The remarks attributed to Ms. INGABIRE UMUHOZA and which led to her being charged with denial of genocide are quotations in extenso from the following UN reports: S / 1994/1125, paragraph 146-148, S / 1994/1405, paragraphs 181-186 and S / 1998/581. The facts being stubborn, the regime will have a hard time denying the obvious, that besides the genocide against Tutsis, there have been war crimes and crimes against humanity that the S / 1998 / 581 asks to qualify. Any attempt at reconciliation that eludes this truth will be doomed to failure.

17.1.2. The 1st Vice-President of the FDU INKINGI party

First Vice President Boniface Twagirimana escaped an attempted abduction by plainclothes security guards on December 5, 2015. He was saved by the public as his assailants tried to force him into their vehicle. Members of the public accompanied him to the police where he was interrogated about the interviews he gave to foreign news agencies and then released. Had it not been for the intervention of the public, he would have disappeared. The police had denied for more than 24 hours any information about his disappearance. For having continued to denounce the injustices in Rwanda and to have opposed the revision

of the Constitution, he is now languishing in prison since 6 September 2017 under false accusation of recruiting fighters for a fictitious armed organization.

17.1.3. The Secretary General of the FDU INKINGI Party

Mr. Sylvain Sibomana, Secretary General of the party, is in prison for criticizing the government's policy. This was considered a crime and he was tried and sentenced to 8 years in prison for inciting revolt and threatening public order. Since August 5, 2015, he is no longer allowed to benefit from the diet prescribed to him by the doctor of the hospital (medical order n ° 1003/08/2014).

Mr. Sylvain Sibomana and a colleague, Dominique Shyirambere, were arrested in Kigali Supreme Court on 25 March 2013 as they were preparing to attend the appeal hearing of Mrs Victoire Ingabire. On 10 April 2013, the Gasabo High Court ordered that they be remanded for a period of 30 days, a judgment against which the suspects had appealed. The court never followed up on this appeal until they were summoned on June 10, 2013 to appear on June 13, 2013, long after the expiry of the pre-trial detention period. The prosecution bases its allegations in all and for all on a badge bearing a photograph of Mrs. Victoire Ingabire, as well as a T-shirt bearing the inscription "Democracy". Mr. Shyirambere Dominique was released and then reported missing.

17.1.4. Miss Léonille GASENGAYIRE, Assistant Treasurer of the FDU INKINGI party

Miss Gasengayire was kidnapped inside the Kigali Central Prison by a vehicle registered RAA 442 M, while she was bringing food to Mrs. Victoire INGABIRE UMUHOZA, a political prisoner and President of the FDU INKINGI, in the midday hours. Security guards on board the vehicle forced Ms. Gasengayire into the vehicle, and then they left the prison for an unknown destination. Despite searches and inquiries made with the Criminal Investigation Department (CID), it had completely denied the presence of Madame Gasengayire Leonille in its precincts. Three days later, on March 28, 2016, Ms. Gasengayire was released. She explained that she was indeed being interrogated in the services of the CID Department. She was arrested again on August 23, 2016 in her family from Kivumu in Rutsiro and incarcerated at the police station without a warrant of arrest. It will not be issued until eight hours later on the basis of Article 463 of the Penal Code which sanctions the provocation of the uprising or disorders of the population and further restricts the freedom of expression of opponents by broadly recriminating the spread of all "false sounds (...) against the established power". The judges finally took their courage in their hands and released her. In all the interrogations the security agents always asked her to abandon the FDU-Inkingi Party and join the ruling party. On 6 September she was arrested for the fourth time on the same charges as the 1st Vice-President.

17.1.5. The commissioners Fabien Twagirayesu, Gratien Nsabiyaemye and the FDU officer in the city of Kigali Theophile Ntirutwa

These commissioners are also charged with the same charges as the 1st Vice-President. Mr. Théophile NTIRUTWA, local representative of FDU-Inkingi in the city of Kigali, had been abducted on 18/09/2016 around 23h. Kidnapped while driving home on a motorcycle, he was blindfolded and taken to a secret location where he was savagely tortured for several days and released. He was arrested again by police on 6 September 2017 but declared "missing" for two weeks. Subsequently, the police reappeared to join the other members of the team currently in detention. It was the same for Mr. Vénant Abayisenga. Following strong media coverage, they were finally found in the hands of the police. They had been locked in very tight cells in which they had been handcuffed around the clock, but the police had said they knew nothing about their disappearance. Yet it was she who had stopped them in full view of everyone. The police had completely denied their presence between his walls.

17.2. PS - IMBERAKURI

Mr. Bernard NTAGANDA, President of PS IMBERAKURI, was able to register the PS IMBERAKURI party officially in July 2009. The challenge of registering the first opposition party in Rwanda drew the wrath of the RPF to power. Unable to manipulate it as are the RPF satellite parties meeting at the Rwandan party FORUM, the RPF embarked on a long battle to annihilate and / or completely destroy the PS IMBERAKURI as well as any political opposition in Rwanda. The RPF resorted to: the unfair dismissal of the leaders of the PSI, the interference in the organs of the party to create a faction in the pay of the RPF, intimidation via the Senate Political Committee, imprisonment and disappearances of leaders.

On June 24, 2010, the first day of registration of candidates for the presidential elections of 09/08/2010, Mr. Bernard NTAGANDA was arrested at dawn at his home. He had been elected on 25/10/2009 by the congress of his party to represent it in these elections.

On June 24, 2010, nearly two hundred people, members of the PSI and FDU Inkingi were arrested, some briefly to stop the demonstration planned to demand the opening of the political space. But others, such as Mr. Theobald MUTARAMBIRWA, secretary-general of PSI, were released two weeks later without a case, while Mr. Bernard NTAGANDA was tried and sentenced to four years in prison. Both in the High Court (11/02/2011) and in the Court of Appeal

(27.04.2012), he was never allowed to introduce defense witnesses. After harsh prison conditions, often in solitary confinement, he was released on 04 June 2014; In July 2010, other officials were arrested and sentenced to various terms. We note in particular the cases of Mr. Sylvester MWIZERWA, spokesman, sentenced to three years in prison, Mr. Dominique SHYIRAMBERE, head of the party in the District of Gasabo in Kigali, Donatien MUKESHIMANA, head of protocol and Mr. Celestin YUMVIHOZE, member. The latter three were sentenced to two years in prison, each;

As pointed out in point 1.4 paragraph 4 above, Mr. Jean Baptiste ICYITONDERWA, PSI General Secretary for Mobilization, was released together with his colleagues after the court had cleared them on all charges. However, in early November 2013, he was again arrested by police accusing him of forgery and forgery, saying that some petitioners do not exist. Without these so-called fictitious petitioners being brought before the court, the Gasabo High Court sentenced him to six years in prison. He is currently on appeal. However, the Prime Minister himself to whom the letter of petition was addressed recognized its merits and the government reviewed its copy and granted the right of access to the conditions of funding (on credit) scholarships to more than 10,000 students out of nearly 13,000 who did not have one.

17.3. PDP IMANZI

Déo MUSHAYIDI, president of PDP IMANZI, opposition party to the RPF regime in power, is also in prison.

17.4. RWANDA NATIONAL CONGRESS - RNC

Colonel Patrick KAREGEYA, founding member of the party, was assassinated on 1 January 2014 (see point 1.1.1 above). General KAYUMBA NYAMWASA, founding member of the party, has twice been the victim of assassination attempts.

17.5. The Green Democratic Party (GREEN PARTY)

Mr André KAGWA RWISEREKA, then vice-president of the Green Democratic Party (GREEN Party), was assassinated in July 2010, and to date, the perpetrators of this crime have not yet been brought to justice.

17.6. Case of the Diane RWIGARA family Candidate in the last presidential election, currently in prison with his mother Adeline

Diane's father, RWIGARA Assinapol, was an industrialist who was a major financier of the RPF before his takeover in July 1994. According to police, he died of a car accident but according to the family, he was murdered by the police on February 4, 2015. Opposition to Paul Kagame, Diane Shima Rwigara could not present her candidacy for the presidential election of 4 August 2017 because she had been excluded under the pretext of forgery and use of forged lists of support required for admission to submit the application. At the end of August an uncle announced that the Rwigara family members, namely Diane Rwigara, Anne Rwigara and their mother Adeline Rwigara, had been taken by the police to an unknown location. They had been missing when they were all locked up at home, handcuffed around the clock by the police, one or two weeks without hearing from them. During the first three weeks of September 2017, they were interrogated at the Criminal Investigation Center (CID) and placed in police custody on September 22, 2017. The police reproach them for instigating insurrection while at the time of their arrest they were prosecuted for tax evasion. After their appearance in court, Diane was held in custody for "undermining the security of the state" and "forgery "; her mother also remains in custody for "undermining the security of the state" while his sister Anne was released on bail but also remains prosecuted for undermining the security of the state.

18. *Violations of social and cultural economic rights*

Mr. David Mepham of Human Rights Watch, in his article "Development and human rights: integrating rights into a post-2015 agenda," wrote: "Before the popular uprising in Tunisia at the end of 2010, many members of the international community considered this country a success story in the area of development, with economic growth close to 4%, nine out of ten children attending primary school and life expectancy was 75 years old, an impressive figure. But for many Tunisians, these advances were obviously insufficient: higher incomes and better access to public services did not overlook the evils and costs associated with corruption, repression, inequality and powerlessness. Nor did they meet the aspirations of Tunisians for better justice, freedom and dignity. In January 2011, after 23 years of power, Zine el-Abidine BEN ALI was ousted from the presidency by popular protests.

If Tunisia's struggle to become a rights-respecting democracy continues, its recent experience highlights the inadequacy and scarcity of many of the current development strategies. On the other hand, it undoubtedly demonstrates the need to reframe development in a broader context, not only taking into account rising

incomes (although this is important), but also creating conditions that allow one each, anywhere, to learn, to go to the doctor, and to consume drinking water; and also to express oneself freely, to be protected by a fair and accessible justice system, to participate in the decision-making process and to live without fear of being subjected to abuse or discrimination. As many economic, social, cultural, civil and political fundamental rights that governments are required to honor but that they actually refuse to hundreds of millions of individuals.

This example of Tunisia, which David Mepham describes so well, leads us to examine the situation concerning violations of economic, social and cultural rights in Rwanda.

18.1. The weapon of hunger and disastrous economic policies

Rwandans, especially in disadvantaged peasants, continue to suffer from hazardous economic policies that only favor the well-off. Thus, in the field of agriculture, the policy of monoculture imposed on the whole national territory creates, in certain regions, a situation of chronic famine and causes the rural exodus. This policy is applied as regards the fields and small plantations of the inhabitants on the hills of Rwanda. The agricultural authorities have determined, based on questionable soil studies, which plant should be grown in each region of Rwanda. Thus, according to whether they live in a locality of the country, the peasants are obliged to cultivate, in cooperative, only one plant and to count on the other regions to buy the other agricultural products which they need. What is starving the population is the ratio of the selling price of locally produced food to the purchase price of food imported from other regions. "We are getting our maize at a ridiculous price while the potato and rice are being sold at exorbitant prices," said Matthew HABIMANA, a resident of Gitarama. But the leaders and the new rich of Kigali are limited to extolling the merits of an absurd policy that continues to make deaths in the ranks of the most fragile layers of the population!

In addition to the imposition of a monoculture policy, which has been accompanied, in some parts of the country, by a campaign of destruction of other crops, the implementation of the land redistribution law is clearly intended to condone spoliation of the lands of the defenseless poor for the benefit of those in power and the rich. This policy changes the Rwanda countryside into a powder keg where a small spark could cause a general conflagration. In any case, the population considers this imposition of monoculture as well as the policy of land spoliation as a way that the power has found to starve its citizens.

18.2. Contempt of property rights and spoliation strategies

Under unfair laws on expropriation for public purposes, the Rwandan government has adopted and implemented a cruel policy that expropriates the population and leaves them in complete destitution. These expropriations, which completely trample on the sacred principle of the right of property, favor the rich who can, with the blow of millions, supplant the less favored ones who are obliged to go again further their attempts of survival. This misperception of development is devastating, especially in the capital Kigali.

The different neighborhoods of the city are, in turn, the object of this real hunt-the-poor which consists of forcing homeowners to destroy them, at their expense, to erect houses "cadastre" according to the standard plan given by the authorities in charge of urban planning and civil buildings. However, these dwellings are the exclusive property of the inhabitants who have a title of property and had obtained, at the beginning, the authorization to build for this purpose. The government having replaced the "Title of property" by a simple "Act of notoriety", an owner becomes, from one day to the next, tenant of his own ground and his own lodging. The land belongs, henceforth, to the State which takes pleasure in distributing it to the richest ones, even if it means getting rid of the less privileged inhabitants. The price of the expropriation, which relates only to the estimated value of the house on foot, is still insignificant compared to the real cost of a new construction. The government often gives a few months of grace period during which homeowners must have finished destroying their homes; and when this deadline comes to an end, it is the State Caterpillar that arrives and destroys the homes to the desperation of the inhabitants who, in addition, have to bear the invoices of the demolition works of their property.

A recent illustration of this injustice has supported this point: the "RWIGARA case". Assinapol RWIGARA, a former successful businessman and RPF financier who died in February during a collision between his car and a truck in Kigali. An accident according to the police, an assassination for the family. Last August, Adeline RWIGARA, the widow of the businessman has accused the Kigali government of harassing the press, of wanting to appropriate his property after murdering her husband. Subsequently, she was briefly arrested for "incitement to the uprising", then summoned and interrogated several times, without legal action for the moment. The subject of the dispute: a building located in the heart of the capital just a stone's throw from the presidential residence.

A residential building belonging to the businessman Assinapol Rwigara that he had enlarged with the aim of turning it into a hotel. But last July, following an audit ordered by the municipality and followed by a report, the family of the deceased is informed that part of the building is not in compliance with standards and was built

without a permit. It must be destroyed. A decision opposed by the family who, according to Mr. Janvier Rwagatare, his lawyer, ensures hold a building permit. She therefore seeks clarification from the municipality and filed an application with the district court to suspend this decision deemed hasty. According to Janvier Rwagatare: "The report [following the audit of the municipality] is based on problems of solidity, but it does not give instructions to demolish. I think it's hasty. In general, the authorities tell you to correct and if you do not correct, if there are no other means, there is indeed demolition. "The family had recently denounced a harassment by authorities, aiming according to her to appropriate the various assets of the businessman.

18.3. The case of Mr. Tribert Rujugiro Ayabatwa, a former financier of the RPF

His World Trade Center (WTC) building was first confiscated for years by the RPF who reaped the rents, and then sold at auction for a pittance for the benefit of hidden buyers. In addition to the property and property of refugees being auctioned off on the basis of fictitious Gacaca trials, the property and private property of exiles allegedly guilty of genocide sequestered by the State on the basis of Rwandan law No. 39/2015 of 22 / 08/2015 dealing with the management of abandoned property has entered into force since 16/10/2015.

- (a) The law of August 2015 relating to the management of abandoned property marks a dangerous regression compared to the *ad hoc* law of December 2004. Flying at the foot the sacred principles of the human rights to know: the sanctity of the right of property and the inviolability of the patrimony of the individual, the individuality of criminal responsibility and the presumption of innocence, this law should be purely and simply repealed;
- (b) Requiring Rwandan refugees in various countries to appear before the Rwandan diplomatic authorities in their host country is, in the end, a highly treacherous trap, since a refugee is not allowed to come into contact with the authorities from his country unless he seeks to renounce his refugee status;
- (c) Since the patrimony of the individual is an integral part of his personality, the current tendency to deprive Rwandans of the right to property by the recurrent adoption of policy and economic extract from the population goods inherited and which should also furnish the daily life of the descendants;
- (d) The financial difficulties of Rwanda will find the solution not in the crushing of the population nor in the plundering of neighboring peoples

even less in the instrumentalisation of the genocide in order to extort capital from foreign countries, but in the work and the creativity of Rwandans, good management and equitable sharing of national assets;

19. The hunt, murder and forced repatriation of refugees

The international law to which Rwanda freely subscribes authorizes anyone who is persecuted in his country or is threatened to go to seek asylum in other countries. Thousands of Rwandans have taken refuge in different countries since the end of the war in 1994. But the Rwandan government, which sees as a threat the fact that thousands of Rwandans remain in exile, has adopted a whole series of strategies, most of which are in violation of international law, to forcibly repatriate refugees and to attack the lives of those who refuse to return by force.

During the months of December 2014 and January 2015, the NAKIVALE camp in Uganda suffered a series of deadly attacks. The attacks were carried out by members of the Ugandan security forces, but in collaboration with Rwandan officials. In the night from 19 to 20 December 2014, around midnight, Nakivale camp was attacked, about thirty refugees were arrested and taken aboard vehicles UA 851 N and UAU 642 X, in the locality called Isingiro; others to an unknown destination. Many refugees were beaten and injured and their families remained traumatized by the violence of the attack. According to concordant information, secret agents sent by the Rwandan government, as well as elements of the DMI, began by nucleating the camp and, at the very moment of the various attacks, these elements operating for the government. Rwandans played a leading role in the operations. The attacks resumed at the end of January 2015 when several refugees were murdered and many others missing. Such operations have always been conducted in the middle of the night in order to escape the indiscreet eyes and ears of humanitarian NGOs and the ICRC operating in the locality. Since the creation in Rwanda of a Ministry for the forced repatriation of refugees, such attacks have been frequent.

The tragedy of Rwandan refugees in Uganda is not isolated. In various other countries, in Zambia, Malawi and Burundi cases of organized attacks on refugees for forced repatriation have taken place. In Western countries, refugees are also subjected to persecution by the Rwandan government. Thus, in Great Britain, France, Belgium and the United States, there has been an unbridled activism by Rwandan secret agents who, often with complete impunity, have attacked Rwandan refugees or asylum seekers.

In addition, a major diplomatic and media campaign was launched by the Rwandan government to call on international bodies to decide the cessation of refugee status for Rwandans. For example, in the past two years, some countries

that have given in to the lies and blackmail of Kigali have implemented the refugee cessation agreement. However, the daily events and reports of international human rights organizations attest that Rwanda is far from being a state of law. Those returning to Rwanda have not seen the promises of support for reintegration materialized.

20. *The institutionalization of exclusion*

On June 30, 2013, President Paul KAGAME of Rwanda made very harsh and scandalous remarks to hundreds of young people gathered in a stadium in Kigali as part of a campaign called "Youth Connect", under the leadership of Mrs. Jeannette KAGAME, wife of the President of the Rwandan Republic. President KAGAME has made it clear that he now intends to take the Rwandan youth hostage, on the one hand blaming the young Hutus for crimes they have neither committed nor known of and, secondly, calling on young Tutsis to always be suspicious of their Hutu compatriots.

Paul Kagame also said that Hutus did not have the natural and inalienable right to live in Rwanda and that, if they still live there, it is thanks to his benevolence. Indeed, in his delirious flight, he revealed that it took a lot of leniency on his part to allow that Hutus still live in Rwanda. That is why, according to him, Hutus should always feel guilty and that every generation should do the "*mea culpa*" in the name of the previous generation. This resulted concretely, on the spot, in a particularly cynical session during which Hutu children previously chosen for the circumstance, gave themselves in front of the microphones and cameras of the press to a session of penance by asking pardon, on behalf of all the Hutus, for the crimes of genocide that, they claimed, their parents would have committed against the Tutsis! Very shocking, this campaign and the remarks divisionist and racist held by a politician who, as head of state, should rather preach harmony between all young Rwandans, Hutu, Tutsi and Twa. Campaign of division, dehumanization and hatred initiated by Paul KAGAME on June 30, 2013, which comes at a time when the regime of KAGAME proclaims at the same time that ethnic groups do not exist in Rwanda, that one is Rwandan anyway. Based on what criterion are these young people chosen, labeled as Hutu and obliged to ask for forgiveness?

So far, the RPF has been using the victimization of the Tutsi ethnic group and the systematic criminalization of the Hutu ethnic group to create hatred between the two entities. The Rwandan peasant is only getting poorer day after day. Terror reigns everywhere. The RPF has introduced into the country a system of ethnic favoritism of which Tutsis are natural beneficiaries. Aid to education is exclusive to Tutsi collectively referred to as genocide survivors, while funds for the education of Hutu children from destitute families (funding from MINALOC, WFP and other agencies) have been removed to years 2005. Funds for education of Tutsis -

FARG - are doubled or tripled. At the same time, the process of reducing Hutus' access to higher education dates back to 2006 with the categorization of assets (land, real estate and monetary resources) for candidates before registration. Unhappy by the Hutu's adaptation to this practice, the RPF finally decided on the fate of the Hutu students of university for the academic year 2013-2014: no scholarship, no financial loan. Faced with this diabolical practice in education, Rwandans do not know where to turn and are convinced that if nothing changes, the malice and hypocrisy of the RPF will throw the country into a deep chasm.

21. Impunity for crimes against humanity and war crimes committed by the RPF

Various reports denounce RPF crimes impunity for perpetrators of torture, summary executions, enforced disappearances is only a logical consequence of the impunity of perpetrators who have committed acts that could be described as "acts of genocide", crimes against humanity and war crimes committed by the RPF. According to all the credible experts, the attack that caused the death of President Habyarimana, his Burundian counterpart Cyprien Ntaryamira and their followers triggered the 1994 genocide against Tutsi in Rwanda. Worthy to cite in particular are the reports of experts such as that of Robert Gersony in 1994, the Degni Ségui report in June 1994, Roberto Garreton in 1998 on the situation of human rights in the Congo, the report of Mr. Maïna KIAI Special Rapporteur of the United Nations Human Rights Council. The preliminary report of the investigator Michael Hourigan and his team, the United Nations Mapping Report on the DRC for the period 1993-2003; to name just a few. In addition, other neutral experts have expressed themselves in this direction (Amnesty International, Human Rights Watch, Lawyers Without Borders, the US State Department, the British Foreign Office, etc.). The BBC's "Rwanda Untold Story" documentary, which the Rwandan government tried unsuccessfully to ban, is also an illustration.

It is unimaginable that all these reports have been dismissed, while they list the war crimes and crimes against humanity committed by these dignitaries currently in power in Rwanda, but who remain safe from prosecution by Justice. Fortunately, crimes of this kind are imprescriptible. The Rwandan people being ruled with an iron fist, no Rwandan from within could dare raise their voices to point to such and such another crime committed under the guise of the high protection of the RPF. The only person who dared to do so is Madam Victoire Ingabire Umuhozu, president of the FDU - Inkongi, a political prisoner held in the 1930 prison in Kigali. She has been sentenced by the Rwanda Courts and Tribunals for the minimization and ideology of genocide, and other similar crimes invented by the Kigali regime.

Her case has been decided by the African Court on Human and Peoples' Rights who has just recognized the violation of her rights even though Rwanda, party to the trial, had done everything to win since July 2016 a seat Judge Marie Thérèse Mukamulisa, who was, however, part of the seat of the Supreme Court of Rwanda at the time of the conviction of Mrs. Victoire Ingabire Umuhoya to 15 years in prison.

It should be recalled that the prosecution of RPF crimes has been the subject of various resolutions of the UN Security Council, including Resolutions 1503 (2003) and 1534 (2004), which reaffirmed the need to try indicted persons by the International Criminal Tribunal for Rwanda (the ICTR) and provide the necessary assistance, particularly in connection with investigations concerning the Rwandan Patriotic Army.

21.1. The reasons of non-prosecution against the perpetrators of acts of genocide, crimes against humanity and war crimes on the side of the RPF

The question arises as to why the Prosecutor of the ICTR did not prosecute the crimes committed by the RPF when they were part of the mandate of the ICTR when it was created. Resolution 955 establishing the ICTR provides that "the International Criminal Tribunal [will] try persons alleged to be responsible for acts of genocide or other grave violations of international humanitarian law committed on the territory of Rwanda and Rwandan citizens allegedly responsible for such acts or violations committed in the territory of neighboring States between 1 January and 31 December 1994.

The newspaper *Le Monde* of 13.11.2014 published an article by the French professor André Guichaoua, a sociologist and expert at the ICTR, who said: "... Others, and particularly the RPF officials, to whom the ICTR has granted complete impunity will necessarily be (judged) because crimes related to genocide, war crimes and against humanity are imprescriptible. For as many episodes are still unknown and it is important to close the gap between the abundance of data on the genocide and the Habyarimana regime, and the lack of information on the strategy and war objectives of the winning camp and its foreign support, a war they took and kept the initiative for four years.

The RPF is working to eliminate today all the embarrassing people likely to be witnesses or holders of the evidence of the crimes which it has committed since the 1990s to this day. Hence extraditions to Rwanda of Hutu refugees scattered all over the world, granted by states to the RPF regime, even though these states have universal powers to try the alleged criminals of the genocide. It is worth

noting the similarity between the threats that Rwanda is now making against France, and the threats it has already made against the ICTR. Indeed, we will remember at least some cases of confrontations that have marked the conflictual relations between Rwanda and the ICTR.

21.2. Case of the late Froduald Karamira

Businessman Froduald Karamira was also one of the leaders of the MDR party. Arrested in Addis Abbaba, Ethiopia, Rwanda had requested his extradition. ICTR Prosecutor Richard Goldstone issued an international arrest warrant against Karamira. He had the right to do so because the ICTR, by virtue of its statute (art. 8 al. 2), had primacy over the national jurisdictions of all States. Even at the stage of the proceedings, according to its statute, the ICTR could formally request the national courts to divest itself in its favor.

Instead of making Mr. Karamira Froduald available to the ICTR, Rwanda obtained his extradition, summarily judged him and proceeded to execute him in public by firing squad on 24 April 1998 in the Nyamirambo stadium in Kigali.

21.3. Case of the late Jean Bosco Barayagwiza

Bosco Barayagwiza is a former president of the Coalition for the Defense of the Republic in Rwanda. He was arrested in Cameroon and transferred to the ICTR in Arusha, Tanzania. During the pre-trial proceedings, his rights had been violated in Cameroon. He appealed against these violations. The Appeals Chamber ordered his release on 3 November 1999. Rwanda declared the ICTR prosecutor, Ms. Carla del Ponte, *persona non grata* to Rwanda and refused to issue her visa so that she could access her investigative offices in Kigali. The Minister of Justice, Jean de Dieu Mucyo, made it clear to Mrs. Carla del Ponte that she could not be welcomed until the Tribunal changed her decision to keep Mr. Barayagwiza in detention. During the hearing on 22 February 2000, Ms. Carla del Ponte will plead before the Appeals Chamber by requiring her to make a choice between reversing her decision to release Barayagwiza or closing the doors of the Tribunal, which would have as a consequence to release all the detainees.

The Appeals Chamber effectively changed its decision and kept Mr. Barayagwiza in prison. One of the judges, Raphael Nieto-Navia dissented, and expressed himself as follows: "I strongly reject the suggestion that, in making decisions, political considerations should play a persuasive or directing role, in order to calm States and ensure their cooperation in achieving the long-term objectives of the Tribunal. On the contrary, under no circumstances should such considerations cause the Tribunal to compromise its judicial independence and integrity. It is a Tribunal whose decisions must be taken with the sole intention of applying the law

and guaranteeing justice for the cases before it, and not as a result of political pressure or threats of justice, suspend cooperation from an angry government. "

21.4. The bombing of President Habyarimana's plane was the responsibility of the ICTR

Some will say that the ICTR did not have jurisdiction to prosecute the perpetrators of the attack on President Habyarimana's plane. This argument was first supported by ICTR prosecutor Louise Arbor following the receipt of a preliminary report prepared by her investigators. Initially, the investigation focused on the crimes committed in the Bagosora and others case. In their investigations, the investigators found that the plane had been shot down by the RPF and that the responsibility rested with President Paul Kagame. They had even had the opportunity to investigate the crimes committed by the RPF during the months of April to July 1994. After presenting their preliminary report to Mrs. Arbor, she congratulated the Australian investigator Michael Hourigan and his team. for work conscientiously accomplished with clarity. A few days later, Madame Arbor thought better of it and asked that the file be closed. She referred to the argument that the assassination of President Habyarimana was not within the mandate of the ICTR. Louise Arbor, in a recent interview with *The Globe and Mail*, said she warned her successor, Carla del Ponte, that "investigations can only be done outside of Rwanda because of the dangers and difficulties of working for the better. Inside Rwanda ... we worked in a fragile environment. I had a lot of problems with the security of our witnesses ... The Tribunal was constantly in a confrontational position with President Kagame. "

21.5. The filing of a complaint by the French families

The case of the attack on President Habyarimana's plane having been buried by the ICTR prosecutor, it took the families of the French victims to seize the justice of their country for investigations to follow. It was only in 2006 that the first arrest warrants were issued by the examining magistrate Jean-Louis Bruguière against dignitaries of the RPF regime. It then followed a break of diplomatic relations with France on November 24, 2006. This resulted in a serious political crisis between the two countries that Foreign Minister Bernard Kouchner and President Sarkozy tried to iron out by going to Kigali to acknowledge that France has made mistakes. The successor of Judge Bruguière, Marc Trévidic, gave a new orientation to the instruction, so that Kigali hoped that a dismissal was going to be pronounced. But General Kayumba Nyamwasa, who was the head of intelligence services, the boss of the DMI, who is currently a refugee in South Africa, and who escaped two assassination attempts, decided to speak. He accuses President Paul Kagame

and two of his relatives, to be the perpetrators of the attack. To this end, he forwarded a notarized document to the investigating judges; these decided to reopen the file. On October 31, 2016 General Paul Kagame announced that he would suspend again and soon the diplomatic relations between Rwanda and France.

On November 10, 2016, Foreign Minister Louise Mushikiwabo held a press conference to explain to journalists that Rwanda has spared no effort to maintain good diplomatic relations with France but that all the efforts made by Rwanda have been swept aside by France. That, moreover, France participated in the genocide of the Tutsis in April 1994. This is why, in addition to the list of 22 French genocidal soldiers already published by Rwanda, it is in the process of drafting a new list of French politicians who would have participated in the genocide (see website Kinyarwanda Bwiza.com of 10.11.2016).

21.6. Impunity of the RPF discredits the ICTR

The obstacles listed above make the ICTR the Winner's Court because it was the RPF that indirectly dictated the rules of the game, intervening in the conduct of trials. Even today, he manipulates the conditions of detention of those tried, either acquitted or having served their sentence, who can not join their family members.

As an example, take the case of Mr. André NTAGERURA. Acquitted in 2004, Mr. Ntagerura is still present on November 19, 2017 in Arusha, awaiting a family reunification that will never take place since the European Court of Human Rights (ECHR) declared his case inadmissible. Western countries do not want to allow acquitted persons to join their families and thus demonstrate that they have no respect for the decisions of the ICTR when they participated in its creation. The rehabilitation of acquitted persons of the ICTR is an integral part of the education of the collective conscience of respect for human rights.

22. *The position of the P5 Platform*

For the P5 Platform, the threat of the Kagame regime to sever diplomatic relations with France is blackmail unacceptable. This threat to guarantee impunity to Kagame and his relatives is further evidence that the ruling party, the RPF is not interested in the truth about the Rwandan tragedy.

The P5 Platforms reaffirm that they will oppose the international relations of our country being used as bargaining chips to buy impunity for a few individuals, whoever they may be, suspected of terrorist crimes. We emphasize that Rwandans do not subscribe to Kagame's threats. On the contrary, they hope that

through these kinds of issues, they will get justice or, at least, they will learn the truth about this past that haunts Rwanda to this day.

Also, as Rwandans, we refuse to serve as shields to possible perpetrators of crimes against humanity and terrorism. And using our country's diplomacy as a bargaining chip to guarantee impunity for party members who remain in power through terror is simply unacceptable.

P5 encourage all efforts to render justice to the victims and to restore the truth. To try to scuttle the French inquiry, the only one in progress that is independent, is an attempt to stifle any truth about the responsibilities in the genocide.

23. CONCLUSIONS

1. Human rights in Rwanda are seriously flouted under the silent gaze of the international community.
2. Rwanda has an ambiguity: - On the one hand, a member of the 47 member states of the UN Human Rights Council, Rwanda masquerades as a model student respectful of human rights. On the other hand, behind the scent of balm that constitutes the so-called respect for human rights, hides a false face characterized by hypocrisy, double language and a whole lot of other Machiavellian maneuvers.
3. Another factor plays a determining role, namely the culture of impunity: Hence all kinds of serious human rights violations, including summary executions, enforced disappearances, torture and cruel, inhuman and degrading treatment.
4. The Rwandan people live in fear and uncertainty the next day. Indeed, fear paralyzes citizens, but especially people tortured so that they must remain silent after their torture. If they dare to speak, they will suffer terrible reprisals. Even family members need not know anything.
5. Opposition political parties whose Platforms P5 in particular have become targets of the eye of the cyclone or occult power that cannot tolerate criticism of any kind.
6. The impunity of the perpetrators of torture, summary executions and enforced disappearances is only a continuation of the impunity of those who have committed acts that could be described as acts of genocide,

crimes against humanity and war crimes committed by the RPF and which are the subject of various United Nations Security Council Resolutions (Res 1503 (2003), 1534 (2004), 2194 (2014), etc.) and various United Nations reports (Robert Gersony Report, Mapping Report, Degni Ségui Report, HRW, Amnesty International, Maina, etc.) but remain unpunished.

Despite the recommendations of the UN Human Rights Council during the 2011 Universal Periodic Review (UPR), Rwanda had accepted all the recommendations made to improve human rights and had welcomed others positively including freedom of expression, freedom of association, opening of political space, reforms of the judicial system, the independence of justice and so much more. The history of the human rights situation in Rwanda, which we have just made together in this document, shows unequivocally that this situation remains a source of continuing concern.

23.1. Concerning violations of the right to life and to physical integrity

1. It appears from the first chapter that most of the assassinations listed were committed with the direct participation of the political leaders of the RPF regime in power, who are accompanied by soldiers or RPF militias;
2. The witnesses of the criminal scenes are automatically either eliminated in their turn, or forced to flee, otherwise they are put in detention to intimidate them and ensure that no complaint or accusation will intervene thereafter;
3. The causes for which people are murdered are not previously verified, and can sometimes be based on mere rumors;
4. When arresting people to be eliminated, officials do not establish arrest warrants; only intimidation, force and violence serve as a road map for terrorizing the victims and their loved ones;
5. There are no prosecutions against the perpetrators of these crimes.

23.2. Regarding arbitrary detention

It is necessary to note the ineffectiveness of the legal procedures of deprivation of liberty. The law exists but it is not enforced efficiently.

23.3. Concerning the restrictions on freedom of expression and association.

The press and civil society have been persecuted, weakened, threatened, muzzled and killed;

23.4. Concerning the violation of economic, social and cultural rights

The Rwandan government is holding Rwandan youth hostage by inculcating notions of discrimination, notably by encouraging young Tutsis to be wary of their Hutu compatriots called to apologize for crimes they have neither committed nor known. Similarly, the Rwandan government has institutionalized exclusion by the policy of "Ndi umunyarwanda" (I am Rwandan) to demand Hutu youths of penance by publicly asking for forgiveness on behalf of all Hutus for the crimes of genocide that, they say, their parents allegedly committed against the Tutsis. This policy is also in contradiction with the denial of ethnic groups which, according to the official discourse, no longer exist in Rwanda;

The Rwandan government has created economic systems that create glaring inequalities between the rich and the poor (monoculture, expropriation of land, livestock housing without the ability to feed animals, agricultural products offered at ridiculous prices, tuition fees inaccessible to a overwhelming majority of the population, scholarships and job offers to the privileged, etc.).

Therefore we ask for the support of the European Parliament, most of member States are the donors of Rwanda, to convey to the Rwandan Government and more particularly to President Paul Kagame the following:

1. To release unconditionally and without delay all the political prisoners of which Mrs. Victoire INGABIRE UMUHOZA, Déogratias MUSHAYIDI, Sylvain SIBOMANA, Doctor Théoneste NIYITEGEKA, Dr. Christophe MPOZAYO, Mr. Eric NSHIMYUMUREMYI, Jean Baptiste ICYITONDERWA, Mr. Kizito MIHIGO, and other such prisoners of conscience, etc. (the list is indicative and not exhaustive);
2. Unconditionally release all persons detained for crimes of political opinion;
3. Clarify, in partnership with Burundi, the origin of dozens of bodies found floating on Lake Rweru;
4. Open the political space to all political parties of the opposition;
5. Ratify the International Convention for the Protection of All Persons from Enforced Disappearance;

6. Establish clear legislation on enforced disappearances, which regards them as punishable crimes in the same way as murders and other killings of the kind;
7. Develop clear legislation on the abolition of cruel, inhuman and degrading treatment that is used to extract confessions on imaginary charges or to form witnesses for the prosecution, especially in cases of political significance;
8. Investigate and bring to justice those responsible for arbitrary arrests, unlawful detentions, enforced disappearances and torture;
9. Investigate and bring to justice those responsible for 30,000 detainees who have been convicted by the Gacaca courts for community service (GAT) and whom the Rwandan government has declared "missing";
10. Investigate and bring to justice those responsible for the disappearance of 16,000 people in the Ngororero region, "missing persons";
11. Release without delay the 7,099 detainees held without records;
12. Ensure that no one is convicted on the basis of information obtained through torture or other ill-treatment, and that the courts order without delay investigations into allegations of torture by defendants;
13. Strengthen the independence of the judiciary and prevent any political interference in prosecutions and trials, and refrain from such interference;
14. Ratify the Rome Statute of the ICC and incorporate into national legislation provisions for rapid and comprehensive cooperation with the ICC;
15. Release those prosecuted solely for having legitimately expressed their opinions;
16. Allow journalists to go about their activities without intimidation or hindrance;
17. Authorize the British Broadcasting Corporation (BBC) to resume broadcasting in Kinyarwanda within the country;
18. Deliver without delay to their owners, real estate and other properties seized or sold illegally and/or irregularly;

19. Develop development policies for the country taking into account the conditions that allow everyone to meet their basic needs, while ensuring their fundamental rights so as to live in dignity and fulfillment.

24. RECOMMENDATIONS

1. The P5 Platform recommend that the European Parliament suggest that member states propose to the UN Security Council the creation of an *ad hoc* tribunal to judge crimes against humanity and genocide allegedly committed by the Rwandan Patriotic Army.
2. International human rights organizations like Amnesty International, Human Rights Watch on the one hand and the European Union on the other, have never ceased to denounce the serious violations of human rights, and especially through the political trial of Mrs. Victoire Ingabire Umuhiza and Ms Diana Shima Rwigara and her family. The P5 Platforms recommend that Rwanda's donor countries lobby the Rwandan government to open the political arena and release all political prisoners.
3. The Platform P5 call on the international community, the Rwandan government's donor countries, international human rights organizations and all those who share the values of peace and democracy to put pressure on the Rwandan government to stop its acts of intimidation and harassment in order to allow the population to fully enjoy its fundamental civil and political rights guaranteed by the Rwandan Constitution and the international conventions that the Rwandan government has ratified and domesticated.
4. Press the Rwandan government to definitively renounce all the inconvenience and persecution, physical and moral, against the members of the P5 PLATFORM, FDU-Inkingi President Mrs. Victoire INGABIRE and her collaborators in Rwanda and abroad;
5. Condemn abductions, arbitrary imprisonment and enforced disappearances, contrary to international legal instruments such as the International Convention for the Protection of All Persons from Enforced Disappearance;
6. To work so that military camps will never again become places of detention of civilians;