



COUNTRY OF ORIGIN INFORMATION KEY DOCUMENTS

RWANDA

26 NOVEMBER 2008

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Preface

- i This Country of Origin Information Key Documents (COI Key Documents) on Rwanda has been produced by COI Service, UK Border Agency (UKBA), for use by officials involved in the asylum/human rights determination process. It provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The COI Key Documents includes information available up to 21 November 2008. It was issued on 26 November 2008.
- ii The COI Key Documents is an indexed list of key reports, papers and articles produced by a wide range of recognised external information sources. It does not contain any UKBA opinion or policy.
- iii For UK Border Agency users, the COI Key Documents provides direct electronic access to each source referred to in the document, via a link on the source numbers in the index and list of sources. For the benefit of external users, the relevant web link has also been included, together with the date that the link was accessed.
- iv As noted above, the documents identified concentrate mainly on human rights issues. By way of introduction, brief background information on Rwanda is also provided. Please note, this background material is not intended to provide a summary of the material contained in the documents listed.
- v This COI Key Documents and the documents listed are publicly disclosable.
- vi Any comments regarding this COI Key Documents or suggestions for additional source material are very welcome and should be submitted to COI Service as below.

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ADVISORY PANEL ON COUNTRY INFORMATION

- xi The independent Advisory Panel on Country Information (APCI) was established in 2003 to make recommendations to the Home Secretary about the content of the UKBA's country of origin information material. The APCI reviewed a number of UKBA's reports and published its findings on its website at www.apci.org.uk. Since October 2008, the work of the APCI has been taken forward by the Chief Inspector of UKBA.

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Background information on Rwanda

Full Country Name: Republic of Rwanda.

Area: total: 26,338 sq km

Population: 10,186,063 (July 2008 est.)

Capital City: Kigali

Languages: Kinyarwanda (official) universal Bantu vernacular, French (official), English (official), Kiswahili (Swahili) used in commercial centres

Religion(s): Roman Catholic 56.5%, Protestant 26%, Adventist 11.1%, Muslim 4.6%, indigenous beliefs 0.1%, none 1.7% (2001)

Currency: Rwandan franc (RWF)

Major Political Parties and leaders: Centrist Democratic Party or PDC [Alfred MUKEZAMFURA]; Democratic Popular Union of Rwanda or UDPR [Adrien RANGIRA]; Democratic Republican Movement or MDR [Celestin KABANDA] (officially banned); Islamic Democratic Party or PDI [Andre BUMAYA]; Liberal Party or PL [Protais MITALI]; Party for Democratic Renewal (officially banned); Rwandan Patriotic Front or RPF [Paul KAGAME]; Social Democratic Party or PSD [Vincent BIRUTA].

Chief of state: President Paul KAGAME (since 22 April 2000).

Head of government: Prime Minister Bernard MAKUZA (since 8 March 2000).

Elections: President elected by popular vote for a seven-year term (eligible for a second term); elections last held 25 August 2003 (next to be held in 2010) [1a] (Central Intelligence Agency (CIA) World Factbook, 4 September 2008)

GEOGRAPHY

The Foreign and Commonwealth Office (FCO), country profile, updated 2 January 2008 noted:

“Rwanda [is]... a small land-locked mountainous country lying south of the Equator in Central Africa, borders the Democratic Republic of the Congo (DRC), Uganda, Tanzania and Burundi. It has a temperate climate with two rainy seasons (March to May; October to December).” [3a]

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MAP

RECENT HISTORY

The CIA World Factbook updated 2 September 2008 noted:

“In 1959, three years before independence from Belgium, the majority ethnic group, the Hutus, overthrew the ruling Tutsi king. Over the next several years, thousands of Tutsis were killed, and some 150,000 driven into exile in neighboring countries. The children of these exiles later formed a rebel group, the Rwandan Patriotic Front (RPF), and began a civil war in 1990. The war, along with several political and economic upheavals, exacerbated ethnic tensions, culminating in April 1994 in the genocide of roughly 800,000 Tutsis and moderate Hutus. The Tutsi rebels defeated the Hutu regime and ended the killing in July 1994, but approximately 2 million Hutu refugees - many fearing Tutsi retribution - fled to neighboring Burundi, Tanzania, Uganda, and Zaire. Since then, most of the refugees have returned to Rwanda, but several thousand remained in the neighboring Democratic Republic of the Congo (DRC; the former Zaire) and formed an extremist insurgency bent on retaking Rwanda, much as the RPF tried in 1990. Despite substantial international assistance and political reforms - including Rwanda's first local elections in March 1999 and its first post-genocide presidential and legislative elections in August and September 2003 - the country continues to struggle to boost investment and agricultural output, and ethnic reconciliation is complicated by the real and perceived Tutsi political dominance. Kigali's increasing centralization and intolerance of dissent, the nagging Hutu extremist insurgency across the border, and Rwandan involvement in two wars in recent years in the neighboring DRC continue to hinder Rwanda's efforts to escape its bloody legacy.” [1a]

In July 2005 the Government began “the mass release of 36,000 prisoners. Most of them have confessed to involvement in the 1994 genocide. It is the third phase of releases since 2003 - part of an attempt to ease overcrowding.” A further 8,000 prisoners accused of genocide were released in February 2007. [36b] (British Broadcasting Corporation (BBC), 8 August 2008)

In April 2007 “Former president, Pasteur Bizimungu, is released from jail three years into his 15-year sentence after receiving a presidential pardon.” And in November that year Rwanda signed a “peace agreement with Democratic Republic of Congo. Under the deal DRC will hand over those suspected of involvement in the 1994 genocide to Kigali and to the International Criminal Tribunal for Rwanda.” [36b] (BBC, 8 August 2008)

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RECENT EVENTS AND POLITICAL DEVELOPMENT

IRIN News reported on 10 October 2008 of serious fighting in eastern DRC that has led to the displacement of many of civilians. Congolese officials accused Rwanda of deploying troops into the region. The Rwandan government denied. The article added:

“... Maj Gill Rutaremara, the Rwandan army's spokesman, said the Congolese army had, instead, enlisted the support of the rebel Democratic Forces for the Liberation of Rwanda (FDLR), composed of forces blamed for the genocide in Rwanda in 1994 which fled to eastern Congo soon after the genocide. Rutaremara was reacting to allegations made on 8 October by a spokesman in the Congolese foreign ministry, Claude Kamanga, who has said Rwanda had deployed troops in North Kivu who were

fighting alongside Nkunda. On 8 October, Atoki Ileka, the DRC's envoy to the United Nations, alleged Rwanda was preparing an attack on Goma. [31d]

ECONOMY

GDP: US\$2.8 bn (2007)

GDP Growth: 6 % (2008 est) (FCO, 2 January 2008) [3a]

Per capita income (2006 est.): US\$260. Purchasing power parity (2006 est.): US\$1,600.

Average inflation rate (2007 est.): 9.4% (United States Department of State (USSD), June 2008) [2e]

Major Exports: Coffee, tea, coltan, cassiterite, fruit juice

Major Trading Partners: Exports – China, Germany. Imports – Kenya, Uganda, Germany, Belgium.

Exchange Rate: Rwanda Franc 560 = U+\$1 (2007). (FCO, 3 January 2008) [3a]

The CIA World Factbook, updated 4 September 2008, recorded

“Rwanda is a poor rural country with about 90% of the population engaged in (mainly subsistence) agriculture. It is the most densely populated country in Africa and is landlocked with few natural resources and minimal industry. Primary foreign exchange earners are coffee and tea.... Rwanda has made substantial progress in stabilizing and rehabilitating its economy to pre-1994 levels, although poverty levels are higher now. GDP has rebounded and inflation has been curbed. Despite Rwanda's fertile ecosystem, food production often does not keep pace with population growth, requiring food imports. Rwanda continues to receive substantial aid money and obtained IMF-World Bank Heavily Indebted Poor Country (HIPC) initiative debt relief in 2005-06. Rwanda also received Millennium Challenge Account Threshold status in 2006. The government has embraced an expansionary fiscal policy to reduce poverty by improving education, infrastructure, and foreign and domestic investment and pursuing market-oriented reforms, although energy shortages, instability in neighboring states, and lack of adequate transportation linkages to other countries continue to handicap growth.” [1a]

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HUMAN RIGHTS

The FCO country profile, updated 2 January 2008, recorded:

“In 1994, the UN Security Council established an International Criminal Tribunal (ICTR) to try the main leaders and planners of the genocide. Its progress has been slow but it has now convicted 27 people. Given the large number of Rwandans involved in the genocide and the inability of the local Judicial system to cope, the Rwandan government set up in 2002 a modern version of the traditional justice system, called Gacaca, which tried lesser offenders within their own communities.

“Human rights abuses continue to be reported in Rwanda. Human rights NGOs suffer restrictions and harassment, the press is closely controlled, independent journalists and opposition politicians face intimidation, and disappearances have been reported. Human rights organisations assert that accusations of promoting 'divisionism' have been used to silence criticism of the Government. In December 2004, President Kagame promised a national human rights campaign. Many NGOs continue to focus on education and reconciliation in the wake of the genocide. The Government has established a National Human Rights Commission (NHRC) and a National Unity and Reconciliation Commission (NURC).” [3a]

The USSD Country Report on Human Rights Practices 2007, Rwanda, released 11 March 2008, (USSD Report 2007) stated in its introductory section:

“Significant human rights abuses occurred, although there were important improvements in some areas. Citizens' right to change their government was restricted, and extrajudicial killings by security forces increased. There were reports of torture and abuse of suspects, although significantly fewer than in previous years. Police sometimes imposed collective punishments, including beatings, on residents of communities in which the property of genocide survivors had been damaged or destroyed. Prison and detention centre conditions remained harsh, although overcrowding decreased significantly during the year. Security forces arbitrarily arrested and detained persons. Prolonged pre-trial detention was a problem, and government officials attempted to influence judicial outcomes, mostly regarding the community-based justice system known as gacaca. There continued to be limits on freedom of speech and association, and restrictions on the press increased. Official corruption was a problem. Restrictions on civil society, societal violence and discrimination against women, recruitment of child soldiers by a DRC-based armed group, trafficking in persons, child labor, and restrictions on labor rights occurred.

The government took demonstrable, concrete steps to advance human rights, which resulted in a June law that abolished restrictions on political party organizational efforts at the local level, a dramatic drop in reports of the torture and abuse of suspects, and passage of legislation that significantly expedited the gacaca process. In April President Kagame pardoned former president Pasteur Bizimungu, who was serving a 15-year prison sentence for trying to establish an opposition party in 2002.” [2a]

Freedom House in its Freedom in the World 2008, Country Report, Rwanda, covering events in 2007, noted:

“While the ruling Rwandan Patriotic Front (RPF) maintained its careful control over political life, there were some improvements in political rights during 2007. The government lifted a ban on political party offices at the local level, and former president

Pasteur Bizimungu was released from prison after serving five years of a 15-year sentence. Rwanda's postgenocide reconciliation effort continued, with increased adjudication of cases through the traditional gacaca dispute-resolution mechanism and progress in major genocide trials at the International Criminal Tribunal for Rwanda. Also during the year, however, the press faced restrictions including the closure of an independent magazine and a number of incidents of harassment and persecution." [21a]

POLITICAL AFFILIATION

FREEDOM OF ASSOCIATION AND ASSEMBLY

Freedom House reported in its Freedom in the World 2008, Country Report, Rwanda that:

"Although the constitution codifies freedoms of association and assembly, in reality these rights are limited. ... In 2004, Parliament advised the government to ban five NGOs and several religious groups and also called for action against several international NGOs operating in the country. International human rights organizations expressed concern that these decisions were based on overly broad interpretations of the law, vague allegations, and insubstantial research. Responding to the ban threat, several organizations muted their independent and sometimes critical attitudes toward the RPF. Nevertheless, most civil society organizations function without direct government interference." [21a]

The USSD Report 2007 noted:

"The constitution and law provide for freedom of assembly, and the government generally respected this right in practice; however, there were some exceptions. Authorities legally may require advance notice for outdoor rallies, demonstrations, and meetings. There were no reports that authorities prohibited nighttime meetings, although some groups avoided nighttime meetings to avoid possible disruption.

"Unlike in the previous year, there were no reports that the government cancelled local marches.

"The government continued to limit the type of locations where religious groups could assemble, at times citing municipal zoning regulations as the reason." [2a] (Section 2b)

The same source continued on the subject of freedom of association:

"The constitution provides for freedom of association; however, the government limited this right in practice. Private organizations were required to register, and the government generally granted licenses without undue delay; however, there were some exceptions. The constitution provides for a multiparty system of government and for the free operation of political organizations. The government restricted political party activities in practice by requiring membership in the Political Party Forum; however, on June 1, a new political party law abolished restrictions on political party organizational efforts at the district, sector, cell, and village level..." [2a] (Section 2b)

The USSD Report 2007 also observed

"The [Rwandan Patriotic Front] RPF continued to dominate the parliament and the political arena. Eight other political parties sought support in the country. Seven political

parties were represented in the Chamber of Deputies and the Senate; however, most chose to associate themselves with the RPF rather than assert independent positions.... The constitution provides for a multiparty system but offers few rights for parties and their candidates. According to the 2006 [African Peer Review Mechanism] APRM report, the country had made significant progress toward political pluralism, but parties were still 'not able to operate freely' and faced legal sanctions if accused of engaging in divisive acts. The government's continuing campaign against divisionism discouraged debate or criticism of the government and resulted in brief detentions and the holding of one political prisoner, former minister Ntakirutinka.

"All political organizations were constitutionally required to join the Forum for Political Organizations, which continued to limit competitive political pluralism, according to the 2006 APRM report. The law regulates the formation, structure, and functioning of political organizations and monitors their use of the media, management of financial assets, and relations between political organizations and other institutions. The law outlines a code of conduct for political organizations. The law also outlines the government's ability to cancel an organization's mandate." [2a] (Section 3)

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ETHNIC GROUPS

The USSD Report 2007 recorded that:

"Before the 1994 genocide, an estimated 85 percent of citizens were Hutu, 14 percent Tutsi, and 1 percent Batwa. Prior to the 1994 genocide, citizens were required to carry identity cards that indicated ethnicity. Following the genocide, the government banned all identity card references to ethnic affiliation as divisionist or contributing to genocide ideology. As a result, the Batwa, purported descendants of Pygmy tribes of the mountainous forest areas bordering the DRC and numbering approximately 33,000, were no longer designated as an ethnic group. On this basis the government no longer recognized groups advocating for Batwa needs. Some Batwa said their rights as an indigenous ethnic group were denied as a result of such government policies. The government recognized the Community of Indigenous Peoples of Rwanda (CAURWA), a Batwa advocacy organization, although it was not formally acknowledged as an organization supporting an "indigenous group." Despite the recognition of CAURWA and joint health and education projects with the government, most Batwa continued to live on the margins of society with very limited access to education, and they continued to be treated as inferior citizens by both the Hutu and Tutsi groups.

"Large-scale interethnic violence in the country between Hutus and Tutsis erupted on three occasions since independence in 1962, resulting on each occasion in tens or hundreds of thousands of deaths.... Since 1994 the government has called for national reconciliation and abolished policies of the former government that were perceived to have created and deepened ethnic cleavages. The government eliminated all references to ethnicity in written and non written official discourse, and there was no government policy of ethnic quotas for education, training, or government employment. The constitution provides for the eradication of ethnic, regional, and other divisions and the promotion of national unity. Some organizations and individuals continued to accuse the government of favoring Tutsis--particularly English-speaking Tutsis--in government employment, admission to professional schooling, recruitment into or promotion within the army, and other matters; however, there was no evidence suggesting that the government practiced ethnic favoritism. University admissions

demonstrated that a substantial majority of entering students were French speaking.”
[2a] (Section 5)

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GACACA SYSTEM

Amnesty International's Report 2008, State of the World's Human Rights, Rwanda, covering events in 2007, released in May 2008, noted that:

“The courts continued to try cases under the gacaca system. The Gacaca is a community-based system of tribunals that was established in 2002 to try people suspected of crimes during the 1994 genocide. In March, a new gacaca law was ratified which significantly changed the previous 2004 law. Under the new law, the jurisdiction of gacaca tribunals was extended so that they could try categories of people, such as 'notorious killers', who previously came under the jurisdiction of the national courts. The gacaca tribunals were also empowered to hand down life sentences. In addition, the number of judges (Inyangamugayo) required to sit on a gacaca tribunal was reduced from nine to seven in order to increase the number of sessions. Although the governments stated intention was to close down the gacaca courts as soon as possible, in early December the Secretary General of the gacaca jurisdictions announced that the gacaca tribunals would be extended into 2008. While the provisions of the 2007 law speeded up the gacaca trials, this was at the expense of the fairness and quality of the rulings. There were regular reports that fair trial guarantees were not being applied in the gacaca process, leading to miscarriages of justice.” [11a]

Human Rights Watch (HRW) World Report 2008 (HRW Report 2008), covering events in 2007, released on 31 January 2008, noted that the gacaca courts jurisdiction was reformed in order to speed up trails: “In 2001, Rwanda established a system of community-based gacaca courts to try all but the most egregious genocide-related crimes. In many jurisdictions faulty judicial performance undermined trust in the system. As the number of persons accused of genocide soared to 818,000, the government in March 2007 reformed the gacaca jurisdictions for the third time, seeking to expedite the trials. “[6b]

GENOCIDE SURVIVORS/WITNESSES

The HRW Report 2008 recorded that “In 2006 and 2007 several survivors of the genocide and judges involved in *gacaca* jurisdictions were murdered, and others suffered property damage. Officials began holding local residents collectively responsible for alleged offenses against survivors, arbitrarily imposing fines and even beating people in communities where survivors had been harassed” [6a]

The same report continued that:

“By mid-2007 Rwanda National Police officers had killed at least 20 detainees in apparent extrajudicial executions. The frequency of such killings began to increase in late 2006, following publicity surrounding the killings of several genocide survivors and others involved in the *gacaca* jurisdictions.

“Faced with demands for increased protection of survivors, officials ordered collective punishments, including beatings and fines, for persons living in neighborhoods where

survivors and others involved in *gacaca* had suffered property loss or damage. Those punished were not tried but were held responsible for the alleged offenses merely because they lived in the vicinity.” [6a]

On the same subject the USSD Report 2007 observed that

“Unidentified individuals reportedly killed several witnesses to the genocide throughout the country to prevent testimony and undermine the *gacaca*, which the government established to address certain categories of crimes related to the 1994 genocide... According to Ministry of Justice figures, between 11 and 25 genocide survivors and witnesses were killed during the year [2007]. The survivors' organization Ibuka reported 16 killings of survivors from January through December [2007].

“The government investigated and prosecuted individuals accused of threatening, harming, or killing genocide survivors and witnesses. At year's end a special protection bureau in the Prosecutor General's Office had begun investigation of 324 cases reported since mid-2006.

“During the year police arrested seven additional suspects in the reprisal killings of eight persons following the November 2006 killing of genocide survivor Frederic Murasira.” [2a] (Section 1a)

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PRISON CONDITIONS

Amnesty International reported in its 2008 annual report of the severe prison conditions as follows:

“In early 2007, the government announced the provisional release of 8,000 detainees, many of whom had reportedly confessed to participation in the genocide. This was the third wave of mass releases since 2003 in an attempt to address prison overcrowding. Despite these releases, the prisons remain overcrowded. By July [2007], there were 97,000 prison inmates. This figure dropped to 70,000 in September [2007] following an official instruction which allowed some detainees to carry out work of benefit to local communities...Prison conditions remained extremely harsh and amounted to cruel, inhuman or degrading treatment.” [11a]

The HRW Report 2008 noted that “Rwanda's prison population reached a high of 97,000 in July 2007, before authorities released some 20,000 people. In Kigali city officials reopened an irregular detention facility, closed in 2006, where children, women, and others rounded up by police are again being kept in harsh conditions.” [6b]

The USSD Report 2007 noted:

“Conditions in prisons and detention centers were harsh. Due to the large number of individuals convicted of genocide-related offenses since *gacaca* hearings began nationwide in July 2006, the population in the country's 16 central prisons rose to approximately 98,000 persons in July [2007] (compared with 87,000 at the end of 2006), but then declined to 58,598 prisoners at year's end as a result of the government's change in the *gacaca* sentencing structure... In the fall the government closed two of the more decrepit of the 16 central prisons; 14 prisons remained. The government remained committed to improving prison and detention center conditions, and reports of abuse of prisoners and detainees markedly declined. International

observers and local human rights groups reported that torture or abuse of detainees in prisons was rare and not tolerated by officials; however, police in a few police detention facilities sometimes beat newly arrested suspects to obtain confessions, although such incidents also sharply decreased during the year. During the year authorities relieved several prison directors of their duties and dismissed several dozen other prison officials for misconduct and corruption.

“Sanitary conditions in prisons and detention centers were poor and deteriorated with the rapid increase in the prison population from January to May; conditions improved somewhat as prisoners were released from June through the end of the year.

“The government continued to improve prison healthcare but was unable to provide adequate medical treatment. The International Committee of the Red Cross (ICRC) halted food assistance to the 16 main prisons in 2006; however, the government’s increased food budget to replace the ICRC contribution was insufficient, and family members supplemented food provisions. The government did not provide food to prisoners in smaller jails. In police stations, the government did not feed detainees awaiting hearings or transfers. Police regularly told crime victims that if they did not provide food to the accused, the accused would be released. In other cases, prisoners transferred from police jails to national prisons had not been fed for several days. The ICRC provided additional expertise and medical, logistical, and material support to improve conditions for inmates.

“There were a number of deaths in prison during the year, largely the result of preventable diseases and suspected cases of HIV/AIDS. The government began an HIV/AIDS counselling and treatment program in three prisons in 2006 and two more during the year. International observers reported that prison deaths from preventable disease and other causes had stabilized at rates approximately similar to those found in the general population... Living conditions for women were generally better than those for men, as detention areas were less crowded. While male prisoners often shared large sleeping platforms, female prisoners were housed in their own block with separate beds.

“In some cases adult prisoners had access to the juvenile wards. There were reports of abuse of minors, both by other minors and by the adult prison population, especially among males.” [2a] (Section 1c)

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3. Index to key source documents

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