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FREEDOM OF THE PRESS

Rwanda

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Article 34 of Rwanda's constitution stipulates that "freedom of the press and freedom of information are recognized and guaranteed by the state," but other clauses broadly define circumstances under which these rights can be restricted, and in practice the media remain under the tight control of the government. The country's 2009 media law sets out strict regulations, accreditation requirements, and licensing procedures, as well as requirements for journalists to reveal their sources to the government for the purposes of criminal investigations and proceedings. The law prohibits the propagation of ideas based on "ethnic, regional, racial, religious, language, or other divisive characteristics." Public incitement to "divisionism" is punishable by up to five years in prison and fines of up to 5 million Rwandan francs (\$8,100). Statutes in the penal code forbid defamation of the head of state or other public officials, which can carry up to five years in prison and fines of up to 10,000 Rwandan francs (\$16). These laws are generally seen as vague and sweeping in breadth. In August 2012, Parliament passed amendments to the 2008 Law Relating to the Interception of Communications that empower the police, army, and intelligence services to listen to and read private communications, both online and offline, in order to protect "public security." The law requires all communications service providers to have the technical capability to enable interception upon request.

Continuing arrests and prosecution of journalists during 2012 helped to make self-censorship pervasive. In April, Huguka community radio presenter Epaphrodite Habarugira was detained on a charge of "minimizing" the 1994 genocide and "spreading genocide ideology." He was arrested for mixing up the Kinyarwanda words for "victims" and "survivors" while reading a report about ceremonies marking the 18th anniversary of the genocide on a news broadcast. His employers fired him, and he was arrested the next day, though his colleagues said his error was just a slip of the tongue. The Muhanga district court ruled that the charges against him were without foundation, and he was released after spending three months in jail. In July, Idriss Gasana Byiringiro, a journalism student and reporter for *Chronicles* newspaper, was held by police for more than 72 hours on charges of trying to "deceive the intelligence services" and fabricating lies in an article that alleged he was kidnapped by armed men. Byiringiro was arrested when he went to the police station to make a statement. After being held for three days he issued a statement to certain news media in which he confessed to fabricating the abduction story. He was then released pending trial, whereupon he maintained that he had indeed been kidnapped. He was later detained for 30 days on the orders of the public prosecutor to allow time to prepare a case against him. In November, Stanley Gatera, editor of the newspaper *Umusingi*, was sentenced to one year in jail and a fine of 30,000 Rwandan francs (\$50) for "inciting divisionism and gender discrimination" in an opinion column he wrote in June. The state prosecutor claimed that the article broke Rwanda's laws about referring to ethnic identities.

Despite such cases, the judiciary showed somewhat more independence than in the past. In April 2012, for example, the Supreme Court reduced the long jail sentences being served by Agnes Uwimana Nkusi, editor of the bimonthly *Umurabyo*, and Saidati Mukakibibi, a reporter with the same newspaper. Nkusi's combined 17-year sentence on charges of "attacking state security" and defaming President Paul Kagame was cut to four years. Mukakibibi's seven-year sentence for "attacking state security" was cut to three years. In addition, both women's convictions on charges of "minimizing the genocide" and "inciting divisions" were quashed. The pair had been convicted in 2011 for opinion pieces published in 2010 that criticized government officials and challenged the official interpretation of the 1994 genocide. Prosecutors had requested a 33-year sentence for Nkusi and 12 years for Mukakibibi.

The state introduced progressive amendments to the 2009 media law during the year, though some problematic clauses were left unchanged. The state would retain its control over the media by determining rules for their operation and defining journalists' professional standards. Furthermore, the minister in charge of information and communication technologies (ICTs) would have unlimited powers to set the requirements for establishing media outlets and conditions for allowing foreign audiovisual media companies to operate in Rwanda. However, the proposed amendments would remove the requirement for journalists to hold particular academic qualifications, ease the process for acquiring press cards, and reduce the grounds on which authorities can refuse to provide

2013 SCORES

PRESS STATUS

Not Free

PRESS FREEDOM SCORE

80

LEGAL ENVIRONMENT

24

POLITICAL ENVIRONMENT

32

ECONOMIC ENVIRONMENT

24

information. Other restrictions on journalists would also be lifted, including bans on the use of “unlawful methods to obtain or to disseminate information” and “distorting ideas contained in an information or a text.”

A revised Access to Information bill, initially drafted by the Media High Council in 2009 to set new standards for public access to information and to protect whistleblowers, was adopted by the cabinet in June 2011. However, the bill had yet to be enacted at the end of 2012.

Although access to internet content is generally unobstructed, government censorship has increased in recent years. Since 2010, the independent newspaper *Umuvugizi* has frequently faced website blackouts, and opposition parties have also reported instances of online censorship.

No murders were reported during 2012, but more than a dozen journalists have fled the country over the past several years to escape prosecution or extralegal threats, and a number remain in exile. Reporters also face violence and harassment when attempting to cover news stories. In June 2012, police assaulted journalist Norbert Niyuzurugero of *Kigali Today* while he was photographing long lines that resulted from a lack of minibuses. The same month, police beat Radio Flash journalist Anonciata Tumusiime unconscious outside of Parliament, ostensibly for breaching security, though other reports claimed that the reporter was attacked for allegedly disrespecting the police commissioner.

The Rwandan media, which disseminate information in English, French, and Kinyarwanda, are dominated by progovernment newspapers and radio stations. There were several dozen print publications registered with the government in 2012, though only about 10 of them published regularly. Six of the country's 25 radio stations are government owned. In addition to the main government-run television station, two private stations opened in July 2012, the first private television channels to operate since 1994. However, the state-owned media reach the largest audience, and most private outlets do not engage in overly confrontational coverage, although some criticism of government policies can be found on the call-in shows of private radio stations. Market entry remains expensive, but the government has eliminated taxes on imported media equipment and removed the sales tax on domestic media materials in order to decrease costs and spur future investment. The only affordable printing facility is owned by the government, and it frequently denies service to critical newspapers. Low pay for journalists, especially in the private media, can lead to corruption, and journalists often suppress damaging stories in exchange for money and gifts. Media outlets face pressure to provide favorable coverage to large investors, and the government withholds state advertising from outlets that are considered critical of the regime.

Approximately 8 percent of the population had access to the internet in 2012, and the vast majority of users reach the medium via mobile devices. The government has made ICTs a priority and invested heavily in their development, including the expansion of broadband access. There are 10 internet service providers and three telephone operators, with mobile penetration at 52 percent in December 2012. Despite increased government pressure, the online atmosphere remains generally open, and the websites of most news outlets are freely available. Social media platforms such as Facebook and Twitter can also be accessed without interference.

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