



RESPONSES TO INFORMATION REQUESTS (RIRs)

[New Search](#) | [About RIRs](#) | [Help](#)

The Board		24 July 2007
About the Board	RWA102532.E	
Biographies		
Organization Chart	Reports of ill-treatment of members of the Tutsi ethnic group, in particular genocide survivors and perceived or actual government opponents (2005 - June 2007)	
Employment	Research Directorate, Immigration and Refugee Board of Canada, Ottawa	
Legal and Policy		
References	Freedom House notes that although "explicit" discrimination on the basis of ethnicity no longer exists in Rwanda and there is a certain degree of "peaceful coexistence, ethnic divisions remain a concern" (Freedom House 2005, Sec. 2.21).	
Publications	The United Nations (UN) High Commissioner for Refugees (UNHCR) reports that although Rwanda appears to have recovered from the 1994 genocide, "a high level of mistrust still remains between different sections of the population" (Jan. 2004, Para. 70).	
Tribunal		
Refugee Protection Division		
Immigration Division		
Immigration Appeal Division	The Rwandan government has removed all mention of ethnicity from official documents and emphasizes the promotion of national unity (US 6 Mar. 2007, Sec. 5). Government policy states that Rwandans "should consider themselves first and foremost Rwandan, rather than as Hutu, Tutsi or Twa," and that this approach is critical if another genocide is to be prevented (Freedom House 2005, Sec. 2.25).	
Decisions	As a result, ethnicity has become a taboo subject, so advocacy on behalf of groups who have experienced discrimination is construed as promoting ethnic cleavages, and is illegal (ibid., Sec. 2.21). <i>Law n°47/2001 of December 2001 instituting punishment for offences of discrimination and sectarianism</i> is one such law that codifies offences which may promote or result in ethnic cleavages (IDRC n.d.; see also Rwanda 2006, 89).	
Forms		
Statistics		
Research		
Research Program		
National Documentation Packages		
Issue Papers and Country Fact Sheets	Genocide survivors and the Gacaca process	
Responses to Information Requests	A senior advisor with Human Rights Watch's (HRW) Africa division who is an internationally recognized expert on Rwanda provided the following information to the Research Directorate in 24 May 2007 correspondence:	
Recent Research	Tutsi genocide survivors can suffer discrimination by local authorities who are Hutu. Tutsi genocide survivors may also suffer discrimination from Tutsi authorities who treat them as a compromised people due to their having lived for many years before the genocide under the government of a Hutu-dominated republic.	
Media Centre		
News		
Information Sheets		
Media Relations		
Proactive Disclosure	Following a pilot phase, the government of Rwanda implemented <i>gacaca</i> tribunals throughout the country in 2005 in order to bring justice to perpetrators of the genocide (<i>Guardian</i> 3 Dec. 2006). Gacaca is described as "a traditional court based on truth and reconciliation, in which criminals are tried within communities where the crimes were committed" (ibid.). Most genocide survivors are of Tutsi	

ethnicity (UN Jan. 2004, Para. 63). A journalist with the Belgian newspaper, *Le Soir* who specializes in the great lakes region of Africa informed the Research Directorate in a 24 May 2007 telephone interview that when they participate in gacaca trials, Tutsi genocide victims are often intimidated by the persons accused of genocide (Journalist 24 May 2007). A *Guardian* newspaper article reports that witnesses in gacaca trials have been murdered to prevent them from testifying, and that, more than a decade after the genocide, "violence is again bubbling beneath the surface" (*Guardian* 3 Dec. 2006). A Kigali-based organization representing genocide survivors reports that persons who participate in the gacaca process and testify against genocide suspects face "widespread intimidation" including death threats, assault, rape, mutilation and poisoning (ibid.).

An HRW report on reprisal killings in eastern Rwanda published in January 2007 states "[a]ll observers agree" that genocide survivors, judges, and witnesses participating in the gacaca trials are at risk of harassment, assault, and death (HRW 19 Jan. 2007, 10). Amnesty International (AI) notes that reprisal killings have taken place in Rwanda's eastern province (AI 2007). In November 2006, four witnesses participating in the gacaca process were killed in acts of reprisal (*Guardian* 3 Dec. 2006). The president of a gacaca jurisdiction was also killed in November 2006, reportedly because he had refused to protect an accused family member (HRW 19 Jan. 2007, 7). Between July and the end of November 2006, there were "at least" 16 known witness reprisal killings and 24 attempts at reprisal killings (*Guardian* 3 Dec. 2006). Ibuka, an organization representing genocide survivors reported that in 2005, ten witnesses were murdered and there were thirteen further attempts on witness's lives (ibid.). HRW notes that estimates of how many people have been victimized vary "because many cases involve differing possible interpretations of motives for the abuse" (19 Jan. 2007, 10).

Both Ibuka and the director of a British aid agency working in Rwanda note that reprisal killings are on the increase (*Guardian* 3 Dec. 2006). In response, authorities have arrested, tried and convicted a number of suspects, and the government set up a witness protection office in mid-2006 (HRW 19 Jan. 2007, 11). The office is located in Kigali and its work is, as a result, somewhat limited to the capital, although it expects to establish a free national hotline (ibid.). At the end of the year 2006, the British aid agency Director was quoted in the *Guardian* as saying "nothing is done, no one is charged, no one is brought to court (3 Dec. 2006). It is [the accuser's] word against the survivors, and the survivors have no voice, so once again [the perpetrators] go free" (*Guardian* 3 Dec. 2006). The President of Ibuka explains that as gacaca trials take place in increasing numbers, there are bound to be more attempts on witness's lives (ibid.). He notes that while the government is doing its best, "there is no support from anywhere. Without support, more people will be killed" (ibid.).

With respect to attacks on genocide survivors, the Senior Advisor with Human Rights Watch's Africa division provided the following information to the Research Directorate in 24 May 2007 correspondence:

The authorities and survivors associations have frequently assumed or even stated that all attacks on survivors are related to either a continuation of anti-Tutsi, genocidal feeling or to a fear of testimony that such persons could give in trials related to genocide (either in conventional court or in the popular justice jurisdictions known as gacaca). This grossly oversimplifies the situation. Survivors can also be involved in family, land-related, or business-related conflicts that could prompt someone to seek to harm them. But given the ethnic prism through which everything is viewed in Rwanda, many survivors and authorities ignore these complexities and ascribe any attack on a survivor as necessarily and solely related to the genocide or justice for the genocide.

The effect of this ... exclusive reliance on genocide as reason for wishing harm to survivors is to heighten tensions between Hutu and Tutsi - to increase Hutu resentment that they are always blamed without regard to the actual facts of the

case and to further isolate the survivors, setting them apart from ordinary Rwandans. As survivors are increasingly isolated they are and feel themselves to be increasingly vulnerable.

[...]

What is a source of very serious concern is that Rwanda has adopted a policy of collective responsibility for attacks on survivors, and this is publicly acknowledged though not enacted by law so far as I know. The head of the Gacaca tribunals, who is a senior government official, acknowledged that the decision to use collective responsibility was taken at the end of December 2006 and all persons in the immediate geographical vicinity are held responsible if there is an attack on a genocide survivor.

[...]

This practice of collective responsibility has resulted in an increase in ethnic tension and anger on both sides, and as a result the government has made survivors even more isolated and vulnerable.

In the random instances where people ask me to write affidavits on their behalf, in the past, the vast majority of people asking me for help were Hutu, and now the majority of people asking me for help are Tutsi genocide survivors. They are saying it's too dangerous to live here in Rwanda. ... [T]he fear of many survivors is real and may be the reason for what appears to me to have been an increase in asylum requests by survivors in various countries outside of Africa. (HRW 24 May 2007)

HRW notes that in an "exceptional" case in 2005, a Tutsi man fled Rwanda after a local administrator compelled him to lodge false genocide accusations against another person (HRW Jan. 2007).

Government opponents who are of Tutsi ethnicity

The United Nations High Commissioner for Refugees (UNHCR) published guidelines entitled *International Protection Considerations in Respect of Rwandan Asylum-Seekers and Other Categories of Persons of Concern in Continued Need of International Protection* in January 2004. The guidelines underscore that Tutsi genocide survivors have "in the past been accused of being 'anti-government' because of their demands for monetary compensation as well as inclusion in the government" (UN Jan. 2004, Para. 63). With respect to organized groups lobbying on behalf of survivors, the UNHCR guidelines explain that:

"Within Rwanda, associations dedicated to assisting survivors of the genocide, or bringing together such survivors, are collectively known as Ibuka and have been organized since the year 2000. Members of these associations, based abroad, and who would likely advance persecution claims, will either be aligned with the Alliance for National Rejuvenation (ARENA) or the monarchist movement (NATION). Yet others may not be aligned to either. Their activities are tolerated so long as they are viewed as being compatible with the official government policies." (UNHCR Jan. 2004, Para. 62)

The 2004 UNHCR guidelines further note that persons of Tutsi ethnicity who oppose government policies may be accused of embezzlement or of supporting Rwanda's monarchist movement, known as NATION, which supports the return of the King (ibid., Para. 44). The guidelines also note that government opponents who are of Tutsi ethnicity may, in certain cases, be charged with being *interahamwe* (ibid.) (militia who participated in the genocide) (AI 1999), or "accessories to the genocide," and that "[s]haring the same ethnicity with the majority of the [ruling party, the Rwandan Patriotic Front] RPF members does not guarantee their protection against persecutory treatment" (UN Jan. 2004, Para. 44, 65).

The Senior Advisor with Human Rights Watch notes:

Tutsi survivors from the western part of Rwanda seem to be particularly targeted by the government, in part because several leading figures from that area, early on, were identified with the political opposition. For example, the previous speaker of the parliament, Joseph Sebarenzi, who was critical of the government, has fled the country. Tutsi survivors from Kibuye are often thought by the government to be aligned with him.

With respect to what kind of action the government would take against opposition supporters, ... [t]he government may just keep close track of these people, but if the government became convinced that the person might speak out forcefully and publicly against the government or might flee the country, the government might arrest the person.

Generally speaking, ... [i]f you are Tutsi, and you are identified as an opponent of the government you would be accused of fraud, corruption, or other common crimes.

The difficulty here is that the person could actually be guilty of the charges. ... If such a person is then charged after having expressed dissent against the government, this may be a case of selective prosecution, undertaken to punish the person for holding or having expressed his or her political views rather than to enforce the law.

The trumped-up nature of the charges sometimes becomes clear only later (sometimes months or even years later) when the accused is released without trial and the charges are simply dropped. In one case, a Tutsi survivor published an article on the RPF questioning their ideals. He was arrested on corruption charges but spent three years in jail without trial, only to be released. (HRW 24 May 2007)

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

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[▲
Top of Page](#)

[Important Notices](#)

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