



## RESPONSES TO INFORMATION REQUESTS (RIRs)

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Biographies		
Organization Chart	Rwanda: Legislation governing divisionism and its impact on political parties, the media, civil society and individuals (2004 - June 2007)	
Employment	Research Directorate, Immigration and Refugee Board of Canada, Ottawa	
Legal and Policy		
References	<b>Legislation governing divisionism and its interpretation</b>	
Publications	<i>Law No 47/2001 of December 2001 instituting punishment for offences of discrimination and sectarianism provides for penalties to be imposed on people for divisionism, a poorly-defined term often used interchangeably with sectarianism, meaning:</i>	
Tribunal		
Refugee Protection Division	"the use of any speech, written statement, or action that divides people, that is likely to spark conflicts among people, or that causes an uprising which might degenerate into strife among people based on discrimination." (IDRC n.d.; see also AI Aug. 2004, 11; Rwanda 25 May 2006, 89)	
Immigration Division		
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Forms		
Statistics	Amnesty International (AI) notes that this is known as "the 'divisionist' allegation" (Aug. 2004, 11). Article 8 of the law sets forth the penalties for engaging in divisionism:	
Research		
Research Program	Any person who makes public any speech, writing, pictures or images or any symbols or radio airwaves, television, in a meeting or public place, with the aim of discriminating [against] people or sowing sectarianism [divisionism] among them is sentenced to between one year and five years of imprisonment and fined between five hundred thousand (500,000) [US \$1000] and two million (2,000,000) [US \$4,000] Rwandan francs or only one of these two sanctions. (IDRC n.d.)	
National Documentation Packages		
Issue Papers and Country Fact Sheets		
Responses to Information Requests	Various human rights monitoring organizations describe the legal definition of divisionism as vague and susceptible to manipulation and abuse (AI Aug. 2004, 11; Freedom House 2006b). AI notes that in 2004, while allegations of divisionism were often used by the government, they rarely resulted in court cases (Aug. 2004, 11). In 24 May 2007 correspondence with the Research Directorate, a senior advisor with Human Rights Watch's (HRW) Africa division and expert on Rwanda provided the following information:	
Recent Research		
Media Centre		
News		
Information Sheets		
Media Relations		
Proactive Disclosure	Divisionism is a complicated matter for outsiders to grasp. Although criminalized, the legal definition of "divisionism" is exceedingly vague. Several judges who have condemned accused persons for "divisionism" and sentenced them to jail were unable to give our researchers a definition of the crime. Ordinarily, the current government interprets divisionism to mean any form of	

opposition to its policies. On occasion, however, (e.g. at the time of the 2003 election) the government has even applied this term to the Liberal Party, a political party strongly identified with survivor groups, because it appealed to survivors to vote for it instead of for the dominant RPF. (24 May 2007)

Freedom House explains that charges of divisionism have been made against non-governmental organizations, political parties and private citizens, and says that these allegations are "among the most effective tools for silencing critics in Rwanda" (Freedom House 2006b). With respect to allegations that may be made alongside or in similar context to divisionism, the Senior Advisor with HRW notes that

"Negationism, revisionism and minimizing the genocide, like divisionism, are terms that are used in an overly broad and vague way, without adequate judicial precision. The terms do not ordinarily mean denying that the genocide occurred, but are usually meant to refer to any questioning of the now official government position on the genocide. (HRW 25 May 2007)

A 2006 report by the Rwandan Senate acknowledges that international NGOs in particular find that divisionism is interpreted ambiguously and that it may be "used repressively" (Rwanda 25 May 2006, 89).

### **Divisionism and political parties**

HRW reports that during the year 2005, government representatives continued campaigning against "divisionism" and "genocidal ideology," and this resulted in incidents of arbitrary arrest (HRW Jan. 2006; UK 24 Jan. 2007, Sec. 3.6.3 ). HRW notes that in some cases, "genocidal ideology" was equated with opposition or criticism of the dominant government party, the Rwandan Patriotic Front (RPF) (Jan. 2006). The United Nations (UN) Office of the High Commissioner for Refugees (UNHCR) notes in its 2004 guidelines on Rwanda that supporters of political parties that are, or are perceived to be, ethnically based, "are at particular risk of being persecuted" (UN Jan. 2004, 9).

Rwanda's former leading opposition political party, the Democratic Republican Movement (Mouvement Démocratique Républicain, MDR) was forcibly disbanded by the Rwandan National Assembly following the outcome of a parliamentary commission in 2002, which identified 46 MDR members as divisionist (AI Aug. 2004, 11; see also Freedom House 2006a). AI reports that the accused MDR members either fled the country, disappeared, or were taken into custody and charged (Aug. 2004, 11). Two other political parties, the Liberal Party (Parti Libéral) and the Social Democratic Party (Parti sociale démocrate) which had previously supported incumbent Paul Kagame's successful presidential campaign were also accused of divisionism after running their own candidates in the parliamentary elections (AI Aug. 2004, 11, 12).

### **Divisionism and the media**

The Committee to Protect Journalists (CPJ), a non-governmental organization, notes that "accusations of divisionism as well as 'genocide ideology' have been used to intimidate journalists" (CPJ 2006). Charges of divisionism, in particular those made against some independent newspapers, are reportedly made "without relevant evidence" and in order to restrict publication (ibid. 20 Apr. 2007).

Reporters Without Borders (Reporters sans frontières, RSF) notes that in August 2006, courts sentenced the editor of Rwanda's independent weekly newspaper, *Umuseso*, to one year in prison and a 1 million Rwandan franc (or approximately CAD 1,950.79 (xe.com 7 June 2007)) fine for "public insult," but set aside previous charges of divisionism that had been laid against him (RSF 3 Aug. 2006).

## Divisionism and civil society

In 2004, the Rwandan parliament issued a report which accused five civil society organizations and a number of religious congregations of spreading "genocide ideology" and called for them to be banned (Freedom House 2006a). Subsequently, a number of these organizations reportedly "muted" their critiques of the RPF (ibid.). Notably, in 2004, a parliamentary commission laid accusations of divisionism and called for the disbandment of the Rwandan League for the Protection of Human Rights in Rwanda (Ligue rwandaise pour la promotion et la defense des Droits de l'Homme, LIPRODHOR), which is described as "one of the very last independent human rights NGOs operating in Rwanda" (Observatory 14 Apr. 2005, 24, 86-88; see also Agir Ensemble 1 Mar. 2005). Consequently, the organization's leadership fled the country, after which LIPRODHOR acquired a new board of directors which is sympathetic to the government, and which issued a public apology for the organisation's past "erring" (Observatory 14 Apr. 2005, 24; see also Agir Ensemble 1 Mar. 2005). The authorities subsequently placed those accused members of the organization who had not fled the country under house arrest (Observatory 14 Apr. 2005, 88).

In November 2004, the Minister of Justice refused to grant legal status to the Community of Indigenous Peoples of Rwanda (Communauté autochtones rwandais - CAURWA) on the basis that it advocated on behalf of Rwanda's Batwa minority population, and that this promoted divisionism (ibid., 89; Observatory 10 Feb. 2005). The Observatory for the Protection of Human Rights Defenders notes that this was likely a retaliatory accusation as CAURWA had submitted a shadow report to the African Commission on Human and Peoples' Rights (ACHPR) which had caused the ministry of justice to come under scrutiny (14 Apr. 2005, 89). The Observatory indicates that, during the ACHPR session, a government representative issued verbal threats against CAURWA's Director and members of his family (Observatory, 14 Apr. 2005).

The League for Human Rights in the Great Lakes Region (Ligue des Droits de la Personne dans la Région des Grands Lacs, LDGL), a local non-governmental organization, notes that in October 2004, the Rwandan ministry of education, science and technology released a report on divisionism in the school system (LDGL 5 Oct. 2004). Subsequently, 37 teachers, a number of school directors and 27 students were suspended from their work and studies (ibid.) and detained (US 6 Mar. 2007, Sec. 2.a). The United States (US) Department of State notes that by the end of 2006, all of the arrested teachers and students were released from prison (ibid.).

## Individuals

The US Department of State notes that individuals who express opinions that are "unacceptable" to the government, in particular those that could be construed as being socially divisive, risk "imprisonment, harassment, or intimidation ... by government authorities" (ibid., Sec. 2.a). The Senior Advisor with HRW's Africa division notes that actual or perceived government opponents who are of Hutu ethnicity are susceptible to being accused of negationism or genocidal ideology (HRW 24 May 2007). UNHCR also notes that government opponents who are of Hutu ethnicity risk being accused of being "revisionist," about the genocide or "divisionist," about Rwanda's ethnic groups (UN Jan. 2004, 11). The senior advisor with HRW's Africa division acknowledges:

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. (HRW 24 May 2005)

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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