

ISHEMA Party- Parti ISHEMA- Ishyaka ISHEMA



VERITE – INTREPIDITE – JUSTICE SOCIALE

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To Members of the United Nations Human Rights Council

Geneva, Switzerland

RE: Noncompliance of the Republic of Rwanda with the human rights recommendations.

Dear all,

1. On January 25th, 2021; the third universal periodic review (UPR) on human rights situation was held, Rwanda being the State under Review (SuR). As Rwandans concerned with the worsening human rights violations, we followed with interest all exchanges that followed the SuR report. We were happy to see some Members of the Council raising important questions on Rwanda's lack of improvement since last UPR. Indeed, while the country was supposed to comply with last recommendations new cases of violations have been recorded. It seems that at every UPR, Rwanda will have created new incidents of violation of the rule of law, freedoms, democracy, and good governance as well.
2. These violations are a clear indicator of the lack of political will to adhere to the international human rights standards, and of inertia to implement the international treaties and agreements of which Rwanda is a member until today.
3. Our contribution, as ISHEMA Party, focuses on freedom of expression, justice, civil and political rights.

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Freedom of expression and association

4. The Constitution of 2003 as amended in 2015 clearly stipulates the right of the citizens to express themselves freely, to have access to information and to adhere to association¹. Despite this, the citizens are still persecuted for having exercised their rights. During the period of review some cases are still unresolved.

Aimable KARASIRA

5. In august 2020, Mr Aimable KARASIRA was dismissed² by the University of Rwanda where he had been a lecturer of Information technology (IT) for more than a decade. The dismissal took place after Mr KARASIRA created a Youtube channel “Ukuri Mbona”³ on which he challenged some public policies and vehiculated the injustices he faced twenty-seven years ago. He lamented what he viewed as police state behaviour of the government and became the voice of the voiceless. He commented the 2020 World Happiness Report⁴ which ranked Rwandans among the least happy people in world. Before an action was taken against him, a State minister threatened him via twitter⁵. Although Mr KARASIRA exercised his constitutional right, the vice chancellor of the University of Rwanda dismissed him citing non-compliance with the presidential order on public servants’ ethics. This was suspected to be a deliberate ill interpretation of the presidential order aimed at silencing Mr KARASIRA, since no order is supposed to go against the Constitution.

¹ see the Articles 39 and 40 of the Constitution

² <https://www.universityworldnews.com/post.php?story=20200821110239971>

³ <https://www.youtube.com/channel/UCJjOfYpRAVu4eW55ApRj3g/featured>

⁴ <https://worldhappiness.report/ed/2019/changing-world-happiness/>

⁵ <https://www.therwandan.com/let-us-condemn-the-harassment-of-aimable-u-karasira-teacher-at-the-university-of-rwanda/>

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Dieudonné NIYONSENGA aka Cyuma Hassan

6. This journalist and his driver, Fidèle KOMEZUSENGE, were arrested on April 8th, 2020 on charges of non- compliance with Covi-19 lockdown measures. After ten months, the duo remains in custody without due trial. The true reason of their arrest is their reporting on measures of lockdown that were enforced without taking into consideration the local socio-economic implications and impacts on the welfare. Mr NIYONSENGA reported on sensitive cases where the military personnel committed rape in Bannyahe area⁶, and he is the only one to have reported that the body of Kizito MIHIGO presented three wounds on the head⁷, an information that contradicted the official version of suicide.
7. The government should:
- *Revise the dismissal of Mr KARASIRA, compensate, and reintegrate him in his profession.*
 - *Unconditionally release, rehabilitate, and compensate NIYONSENGA Dieudonné and his driver Fidèle KOMEZUSENGE.*

Justice and extrajudicial killings

Kizito MIHIGO

8. Arrested and put in prison in 2014, Kizito MIHIGO was tortured and forced to plead guilty to charges of planning to oust the government of Paul Kagame. His true crime was the song he released, a song that challenged the official version on genocide in Rwanda. In his song “Igisobanuro cy’Urupfu”, Kizito sought to plead for commemoration of Hutu killed during the war and genocide. He emphasized that, although the genocide made him orphan, it could not make him ignore other Rwandans who were killed in other massacres that are not recognized as genocide. He was sentenced to ten years of prison but was released on presidential mercy

⁶ <https://www.hrw.org/news/2020/04/24/rwanda-lockdown-arrests-abuses-surge>

⁷ <https://www.iol.co.za/news/opinion/death-in-custody-of-rwandas-kizito-mihigo-reminiscent-of-neil-aggett-43672971>

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along with Mrs Victoire INGABIRE. By doing this, Rwanda was seeking to lead the Organisation International de la Francophonie (OIF), a strategy that worked perfectly. On February 17th, 2020; the gospel singer was found dead in his police cell. The police immediately announced that he committed suicide without prior investigation. All calls to carry out an independent inquiry into this mysterious death went unanswered.

Victoire Ingabire

9. Arrested in 2010 when she wanted to run for presidential elections, Mrs Victoire Umuhoza INGABIRE was tried on charges related to a speech she had delivered requesting the commemoration of the Hutu who were killed by the RPF. She was sentenced to 8 years which was turned into 15 years in the appeal. In 2018, Ingabire was released along with Kizito Mihigo in a move that sought to promote the Rwanda's candidate to the post of General Secretary of OIF⁸. The African Court on Human and People's Rights held that Rwanda has violated Ingabire's rights and asked that she be paid US\$65,000 in compensation⁹. To date, the Government of Rwanda did not implement the court's order.

⁸ <https://www.hrw.org/news/2018/10/10/rwandas-political-thaw-real>

⁹ <https://ijrcenter.org/2017/12/12/african-court-holds-rwanda-violated-victoire-ingabires-freedom-of-expression/>

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Diane SHIMA RWIGARA

10. She declared her intention to run for the 2017 presidential elections. She was arrested along with her mother and sister. Ms RWIGARA remained in prison until trial which acquitted her after one year in custody¹⁰. To date, she was never compensated.

11. The Government should:

- *Compensate Ms RWIGARA for damages inflicted on her during her imprisonment.*
- *Compensate and rehabilitate Mrs Victoire INGABIRE so that she enjoys civic and political rights taken away by human rights violation.*
- *Implement the African Court on Human and People's Rights order to compensate Mrs Victoire INGABIRE*
- *Allow an international independent investigation into the killing of Kizito MIHIGO and bring to justice those responsible.*

Political space, multiparty system, and elections

12. The Constitution allows the civic and political rights to be exercised and political parties are legal. However, the registration of new political parties remains tremendously hindered by the Rwanda Governance Board, the state's agency in charge of monitoring the political organizations activities. As such for the past 12 years, no new political party could register. During the period of review, Ishema Party¹¹ created in exile attempted to send a team to Rwanda for registration, and to run for 2017 presidential elections but the team was denied entry twice: in November 2016 and January 2017. DALFA - Umurinzi¹², a political organization led by Victoire Ingabire did not get the permission to register November 2019.

¹⁰ <https://www.bbc.com/news/world-africa-46471808>

¹¹ <https://ishema-party.org/en/>

¹² <https://dalfa.org/>

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There were numerous applications which were turned down. As a result, Rwanda has the biggest number of political organisations¹³ in exile, a threatening situation.

13. For the 2017 presidential elections, Ms Diane RWIGARA, Mr Fred SEKIKUBO BARAFINDA saw themselves denied the right to be on the candidates list and were accused of irregularities in their applications. Ms RWIGARA was put in prison¹⁴ and Mr SEKIKUBO was forced into psychic institution¹⁵; manoeuvres forged to exclude the candidates from the presidential race.

14. The national electoral commission (NEC) lacks independence that should be its principal pillar. All the officials of the commission are cadres of the Rwandese Patriotic Front (RPF), other political parties and civil society are not represented, which impairs the neutrality and independence of the electoral body.

Fr. Thomas NAHIMANA, Mrs Nadine Claire KASINGE, Mr Skyler KEJO and Mr Venant NKURUNZIZA

15. The four comprised the team of ISHEMA Party that was going to register the party in Rwanda and ready for the 2017 presidential elections. The Government of Rwanda denied them entry into the country on November 23rd, 2016 in Nairobi, Kenya; and on January 22nd, 2017¹⁶. The letter that was signed by the immigration Director indicated that the team would not be accepted on the national territory. However, on the first occasion in November 2016, Kagame had threatened the ISHEMA Party's presidential candidate, hinting on legal pursuit¹⁷. It

¹³ <https://www.jambonews.net/actualites/20200715-rwanda-bridge-builders-la-voie-vers-le-dialogue/>

¹⁴ <https://www.aljazeera.com/news/2017/9/24/rwandan-police-arrest-paul-kagame-critic-diane-rwigara>

¹⁵ <https://www.ktpress.rw/2020/07/rib-rmc-weigh-in-on-barafinda-urge-youtubers-to-give-him-time-to-heal/>

¹⁶ <https://www.theeastafican.co.ke/news/Rwanda-denies-controversial-priest-entry-again/2558-3785226-9psihjz/index.html>

¹⁷ <https://www.theeastafican.co.ke/tea/news/east-africa/kagame-rwandan-priest-should-have-been-allowed-in--1359430>

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should be noted that such a decision to refuse the Rwandan citizens to return home was the same advanced by the RPF to justify their attack of October 1990. This means that anyone who would like to launch a military attack on Rwanda would have a sound justification to do so. The political space remains tightened with most recent political organization having been allowed to register in 2009 despite numerous pending applications requests.

Bernard NTAGANDA

16. A lawyer of profession, Bernard NTAGANDA founded PS Imberakuri, a political party registered in Rwanda. He was arrested in 2010¹⁸ for trying to run for president office. He was sentenced to four years in prison but at his release, he was denied his rights to exercise his profession or any job in other fields.

17. The Government should:

- *Allow the registration of the political parties without any hindrance with a relatively short timeframe for instructing any new application.*
- *Unconditionally release all political prisoners and allow them to enjoy civic and political rights. These should include Déo MUSHAYIDI, Théoneste NIYITEGEKA, Joseph NKUSI, Paul RUSESABAGINA, Callixte NSABIMANA SANKARA, Ignace NKAKA alias La Forge Fils BAZEYE, Lt Col Jean Pierre NSEKANABO and the members of DALFA-UMURINZI, amongst others.*
- *Allow Bernard NTAGANDA to exercise his profession and any other activity of his choice without hindrance.*

Dear Members of the Council,

18. The Government of Rwanda under the RPF has demonstrated its capacity to manipulate the international community to attract compassion. Most importantly, this Government is ready to

¹⁸ <https://www.amnesty.org/en/press-releases/2011/02/rwanda-opposition-politician-jailed-exercising-rights/>

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say what you want to hear, knowingly that the implementation of pledges will not happen. In its submission the Government of Rwanda will show how mechanisms are put in place and most probably, tell lies about accomplishments, just to embellish the presentation. In practice, things are different. The new cases of rights violation show the lack of political will to respect the engagements and to improve the situation.

19. The respect of human rights, democracy and good governance is our common affair. We are all concerned by what happens in one and all nations. Any failure to prevent human right violations renders us accomplices which is not better than those responsible of atrocities. After three reviews with worsening situation, a tougher action is needed, even imperative for Rwanda's case.

20. We are not alone to propose serious measures against the Government of Rwanda to coerce it to cooperate¹⁹. Economic sanctions could be applied in a manner that does not harm more the victims of the human rights violations. In 2013, the sanctions worked well to end Rwanda's support to the M23 rebels in the Democratic Republic of the Congo²⁰.

21. The Government of should:

- *Unconditionally, release all journalists and political figures since they are victims of last violations.*
- *Compensate all political figures who suffered losses due to unjust treatment.*
- *Declare a total amnesty to all political figures so that they enjoy their civil and political rights lost.*

¹⁹ <https://www.hrw.org/news/2021/02/01/un-countries-call-out-rwandas-rights-record>

²⁰ <https://www.un.org/press/en/2012/sc10836.doc.htm>

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- *Organize an Inter- Rwandan inclusive dialogue between the Government of Rwanda and all the active forces, political and civil society actors to determine ways to save the nation against potential armed conflict.*
- *Set up a transition government that integrate all the opposition forces to organize future elections in a credible and inclusive manner.*

Done at Montreal, on February 5th, 2021.

Nadine Claire KASINGE

President

Ishema Party

