



*Permanent Mission of the Republic of Rwanda
Geneva*

GE/08/1/16/2016

The Permanent Mission of the Republic of Rwanda to the United Nations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to forward the attached list of questions and responses for the attention of the Human Rights Committee, in relation with the fourth periodic review of Rwanda and the dialogue between the Human Rights Committee and the delegation of the Republic of Rwanda on 17 and 18 March 2016.

The Permanent Mission of the Republic of Rwanda to the United Nations in Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for the Human Rights the assurances of its highest consideration.

Geneva, 23/03/ 2016

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GENEVA



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HRC Questions

1. Provide examples of court proceedings in which provisions of the Covenant had been invoked. Which courts handed down those rulings, and what was discussed during such cases? Did the Government intend to ratify the Optional Protocol to the Covenant? Could further information be provided on the training of judges, in terms of the Covenant?

Examples of Court cases in which the Covenant was referred to include:

- Uwinkindi Jean RPA 001/15/CS;

The court referred to ICCPR, article 14.3(d) which guarantees the accused person's right to legal representation. The issue of contention was whether that right entailed a right for the accused to choose his own defence Counsel when he was relying on legal aid. The International Crimes Chamber of the High Court interpreted Article 14.3(d) to the effect that although the accused person indeed had a right to effective legal representation, it needed not include an absolute right to choose his own defence Counsel when he was relying on legal aid.

The accused person in that case had also requested for the indictment to be interpreted into Kinyarwanda since he did not understand English the language the indictment was originally written in. The Court on that issue found that the accused had a right to have the indictment translated as part of his right to a fair trial in accordance with Article 14(a) of the ICCPR.

- Munyagishari Bernard RP 0012/13/HCCI;

In this case the court referred to ICCPR, Article 14, 3 (a) when deciding on the issue regarding the language the accused person could use for his pleadings. The accused insisted on making his case in French since he claimed not to understand Kinyarwanda, the language commonly used in court proceedings. In that case the International Crimes Chamber of the High Court interpreting Article 14, 3(a) found that, Munyagishari had the right to make his case in the language he was comfortable using and if necessary translation would be done for the rest of the Court the court granted him the right to plead in a language that he could understand.

- Mugesera Leon RONPJ 94/GEN/MJB/RE;

This case concerned the provision of adequate financial resources to the accused person to prepare his defence including the provision of funds for



investigation which Mugesera was requesting for from the concerned Government institutions. The court made reference to Article 14, 3 (b) of the ICCPR and ordered the competent authorities to provide the accused with the necessary financial and logistical resources to prepare his defense.

- UWIMANA NKUSI Agnes and MUKAKIBIBI Saidati; RP 0061/11/CS

In this case the accused persons were arrested and detained on charges of endangering/threatening national security, genocide denial, ethnic divisionism and defamation. They were tried by the High Court for those charges and found guilty as charged, sentenced to 17 years (UWIMANA) and 7 years in prison (MUKAKIBIBI). They appealed the decision in the Supreme Court; which Court reversed the High Court's which revised and reduced their sentences to 4 years (UWIMANA) and 3 years (MUKAKIBIBI). The defence Counsel as well as an Amicus Curie brief filed by Article 19 argued that they had only exercised their rights to freedom of expression in line with Article 19 of the Universal Declaration of Human Rights and the ICCPR. Both the High Court and Supreme Court in that case found that the right to freedom of expression has the necessary limitations as prescribed by law such as those in relation to the offence of genocide.

- INGABIRE Victoire RPA 0255/12/CS;

Ingabire Victoire UMUHOZA was indicted and prosecuted for several offenses including genocide ideology, aiding and abetting terrorism, sectarianism and divisionism and undermining the Internal Security of the State. In her defence she argued that her actions were in exercise of the right to freedom of expression and association as contained in Article 19 and 20 of the ICCPR. However the Supreme Court found that her actions were beyond the scope of those rights and in fact criminal. The Supreme Court accordingly found her guilty of the offences charged and sentenced her to 15 years in prison.

With regard to the possible ratification of the First Optional Protocol to the ICCPR relating to the Committee's Individual claims procedure, Rwanda is carrying out consultations with the concerned stakeholders in order to work towards building the necessary consensus for the ratification.

- 2. In terms of hierarchy of laws, what is the rank of international treaties in the domestic legislation. The Constitution had been reformed in 2015, amending the hierarchy of laws. Why had the 2005 Constitution been changed, and was the current system compatible with Rwanda's**



international commitments?

Under the current Constitution, Rwanda remains a monist state. According to Article 95 International Treaties ratified by Rwanda are only superseded by the Constitution and Organic Laws. The intention is that Organic laws will only be laws designated as such and empowered by the Constitution to regulate other key matters in the place of the Constitution. They will be used for the primary purpose of Constitutional amendments and will therefore have the weight of the Constitution. International Treaties remain higher than all other domestic laws as was the case in the 2003 Constitution.

3. Why had Rwanda withdrawn the Declaration recognizing the right of the African Court of Human Peoples and Rights to receive individual complaints?

Rwanda has withdrawn the unilateral declaration for review and discussion with the Court and with the African Union on the criteria that should be used for accepting matters by the Court. Rwanda is firmly opposed to convicted genocidaires bringing false claims before the court and using it as a way of laundering themselves and attempting to change the historical narrative of their guilt.

Genocide is a very serious crime and it should compel the Court to take a firm, clear and deliberate stand on this issue and not give convicted genocide criminals a platform.

4. What measures were in place to ensure the independence of the National Commission for Human Rights, in particular the appointment of its Members and its budget, asked the Expert. Did the appointment of Commissioners really guarantee the independence of the Commission?

The Rwandan Human Rights Commission has had and maintained an A Status for several years in accordance with the Paris Principles. A key requirement to attain this status is independence and so far the Commission has always passed this test. In order to make this possible various important measures have been taken:

- Constitution and Law

Article 42 and 139 of the Constitution of the Republic of Rwanda of 2003 revised in 2015 as well as the Commission's establishing law Of 2013 in Article 3



assert and guarantee the Commission's Independence. This Independence exists in several ways:

- Reporting

Article 13 of the Law N° 19/2013 of 25/3/2013 stipulates that the NCHR shall submit its activity report only to the Parliament and only send a copy to the President of the Republic, the Government and the Supreme Court which shows that the Commission is only accountable to Parliament in the conduct of the duties assigned to it.

- Budget

The NCHR has autonomy in the management of its budget including the portion from Government as well as the financial support from donors. Article 40, 3 of the law establishing the Commission stipulates that the NCHR shall have autonomy in managing its property as well.

- Selection and Appointment

According to article 18 of the Law N° 19/2013 of 25/3/2013 establishing the Commission, the selection and appointment process for Commissioners is initiated and conducted by an independent Selection Committee composed of 5 members from non-governmental organizations working in the area of human rights; Public Service Commission; Civil Society; as well as other relevant experts with expertise and skills in human rights issues.

In selecting candidates for members of the NCHR, the Selection Committee shall function independently and: 1) comply with the principles of transparency and independence; 2) widely announce vacancies for Commissioners.

In order to avoid a conflict of interest, Commissioners are not allowed to perform any other remunerated work. Commissioners also have immunity as "Commissioners shall not be prosecuted before courts due to their views expressed or published on the basis of their responsibilities" (Article 24 of the law).

- Staffing

Article 38 of the law stipulates that the NCHR shall have autonomy in recruiting its staff.

All of these provisions were put in place in order to ensure the inherent and functional autonomy and independence of the Human Rights Commission.



5. Allegations of war crimes, mapping report, would government support objective investigations?

Regarding the UN Group of Experts report, reference is made to the official response of the Government of Rwanda as contained in ANNEX 109 Security Council Document S/2014/42.

6. Updated information on the legislative review process to prevent discrimination in the Civil Code and the Family Code.

Discriminatory provisions that have been removed in the draft Family Law include: Article 83 which obliges a wife to have the same residence as her husband; Article 119 which requires birth registration to be done by the father; Article 206 which gives to the husband the exclusive right of being the head of household; Article 345 which allows the decision of a husband to prevail when there is a misunderstanding between the spouses on the exercise of parental authority over their child; Article 352 which allows the father (and not the mother) to represent his child in all acts of civil life; and Article 427 which gives to the father the exclusive right of emancipating his child. The new family law establishes equality between men and women in all areas of managing the home and family.

Other discriminatory laws amended include the Penal Code of 1977 which was reviewed to remove discriminatory provisions. Examples including the provision that provided unequal punishments between a husband and a wife convicted of adultery. Now the penalty is an imprisonment of six (6) months to one (1) year for both men and women (Article 245 of the Penal Code of 2012), while in the former Penal Code of 1977, a wife convicted of adultery would be punished with an imprisonment of one (1) month to one (1) year and a husband with an imprisonment of one (1) month to six (6) months (See Article 354 of the Penal Code of 1977).

The Land Law of 2005 was modified in 2013 to ensure that women are guaranteed equal rights with men regarding access, ownership, utilization of land and inheritance.

The Commercial Code of 1988 was also reviewed by a law of 27/04/2009 and by a law of 07/05/2010 to eliminate all forms of discrimination against women, including the need for a woman to have the authorization of her husband to start a business.



7. No details were given on parental authority. Mothers be placed on an equal footing as fathers, particularly regarding children?

The new Family gives both parents equal rights and authority with regard to their children.

8. A large number of marriages were not registered, which could prevent women from enjoying their rights. What plans and measures to remedy that situation?

The New Family law ensures that women are treated equally both in civil marriages and in circumstances where they are not legally married.

9. On inheritance and land rights of women, particularly in rural areas, they continued to have difficulties due to stereotypical behaviours.

The Ministry of Gender and Family promotion in collaboration with the National Women's Council which has representation at the lowest levels of local Government work to sensitize women on their rights to land. The 2013 Land Law also gives men and women equal access to land. As far as stereotypical behavior is concerned, the global heforshe campaign was launched in 2016 in Rwanda and the key aim of the program is to involve men in creating awareness for the respect for the rights of women. This program is expected to go a long way in combating gender stereotyping in Rwandan communities.

10. Regarding female representation in public administrative posts, did the trend of increase also apply to the provinces and not just the central Government? Did those excellent percentages also refer to the private sector? Could the Government envisage an adoption of a wholesome law that covered all forms of discrimination?

In elections for District executive committee in held recently, women won 36.2 percent of district advisory posts and 36 percent of District Executive Committee leadership. The Number of women Mayors also increased from three to five. Rwanda continues to embrace the policy of affirmative action in order to ensure equality between women and men.

11. Could a specific response be given on the gender pay gap and had specific measures been undertaken in that regard?



The Labour Law of Rwanda stipulates that men and women must receive equal pay for equal work. As a form of affirmative action in this regard the Government of Rwanda has established a maternity leave scheme which will pay all working mothers in Rwanda 80 percent of their monthly salary for 6 weeks of the 12 weeks maternity leave in order to reduce the financial burden to employers and encourage hiring of women in the private sector.

12. Penalties for spousal rape were more lenient than others. What was the reason for that?

Although this is the case in the current penal code, the 2012 penal code is under review and this issue will be dealt addressed.

13. Medical assistance provided to the victims of gender-based violence at home, or spousal abuse. How many prosecutions and cases had taken place? No statistical background according to the regions. How do one stop centers help respond to violence?

There are 23 Isange One stop centers across the Country that provide free services to all victims of domestic and gender based violence that approach the centers. Coordination between the Ministry of Health, the Ministry of Gender and Family Promotion and District Access to Justice Officials ensures that holistic care is provided for victims. In particular, victims receive counseling, medical attention and assistance to file cases.

14. Sexual exploitation of children, provide information on measures and cases?

The Government continues to have a zero tolerance for child abuse and makes every effort to ensure the protection of children. However a challenge still exists in relation to the information and data available on this issue. Efforts are being made to improve the methods currently used in the collection of data.

15. In relation to transit centers, what is progress towards abolishing the offence of vagrancy from criminal legislation?

Vagrancy is currently still an offence in the Rwandan penal code. However this will be reviewed in the on-going penal code review.



16. More information on unlawful and incommunicado detention and

enforced disappearances in particular in Camp Kami, a military camp outside Kigali, and chez gacinya Kigali. Provide details regarding the unlawful detention by the Rwanda Defence Forces, in detention center's that are not part of the system, without access to lawyers for the detainees.

There is no unlawful detention in Rwanda. Article 40 of the Criminal Procedure Code is clear about legal custody facilities in Rwanda. A person held in detention by the Judicial Police shall in no way be held in prison or in any place other than the relevant custody facility located within the jurisdiction of the Judicial Police Officer or the Military Police Officer for members of the military and their co-offenders and accomplices. A Ministerial Order N°01/Mininter/14 of 28/05/2014 has determined judicial police custody facilities. According to article 2 of this order, Judicial Police custody facilities are established at Police stations and posts. Any person the judicial Police decide to prosecute while under detention must be detained in Judicial Police custody. And any person held in custody by the Judicial Police shall have the right to legal counsel and to communicate with him/her.

The presidential order n°60/01 of 02/11/2012 modifying and complementing presidential order n° 43/01 of 10/11/2007 as modified and complemented to date establishes 14 prisons in Rwanda. These are; Ngoma, Rwamagana, Bugesera, Rusizi, Rubavu, Musanze, Gicumbi, Nyamagabe, Huye, Nyanza, Muhanga, Nyarugenge, Gasabo and the Military Prison.

With regard to unlawful detention by the Rwanda Defense Forces, the RDF does not detain anybody but instead the military police has the authority in accordance with the law to arrest and apprehend military officers that break the law.

There is only one military prison where such individuals are held during their trials and serving of prison terms. Kami is simply a military barracks and therefore no interrogation of suspects is carried on there since no one is incarcerated there. I would also like to clarify that there is no place in Rwanda known as Chez Gacinya.

The specific cases of Kizito Mihigo and Joel Mutabazi that were mentioned in the interactive dialogue refer to individuals who are lawfully detained following public trials which complied with all the tenets of due process. Both individuals were prosecuted in accordance with the law and are serving sentences for their offences in prison where they are accorded all the rights



and members of the public are able to visit them.

17. Information on the investigations, prosecutions, convictions and punishments relating to reported cases of summary or arbitrary execution or enforced disappearance, including the disappearances of political figures.

Article 120 paragraph 9 and article 21 of the Penal code punish the crime of enforced disappearance. Appropriate measures and steps have been put in place to effectively protect all persons from enforced disappearance. From the outset, when the Criminal Investigation Department (CID) receives a complaint of a disappearance; Judicial Police Officers proceed with investigations and transmit the case files to the National Public Prosecution Authority (NPPA). All of the cases of alleged disappearances reported to the police have been duly investigated. The Rwanda National Police opened a file on each case and has consistently carried out investigations.

In relation to the mentioned cases of Andre Rwisereka and Dennis Semadwiga; both individuals were killed under unclear circumstances. Inquiry into the matter by the Rwanda National Police continues. They do not have sufficient information at this time to move the matters forward.

18. Comment on reports of assassinations and attempted assassinations of political dissidents abroad. Had allegations been investigated, and if so, had the persons responsible been brought to justice?

With regard to the killing of Patrick Karegeya and Charles Ingabire which did not happen on the territory of Rwanda, the Government of Rwanda has attempted through diplomatic channels to inquire into the events leading to these deaths but no conclusive information has been provided.

The same is also true with regard to the attempt on the life of Kayumba Nyamwasa. It must be understood that there is a limitation on what the Government can do about events that occur outside of Rwanda's territory.

19. Comment on allegations that cases of unlawful and incommunicado detention and enforced disappearance continued to occur, and indicate the measures taken to end, effectively, arbitrary and secret detentions by the security forces, and to ensure that detainees are afforded all legal safeguards from the beginning of their detention?

Please refer to the responses provided above in relation to question 16



above.

20. Use of torture and ill-treatment during interrogations allegedly carried out by Rwandan military intelligence in the Kami and Kinyinya military camps and by other security personnel in unofficial places of detention. Use of beatings, electric shocks, isolation, sensory deprivation and limitation of breathing in those center's, and detainees, including children, held in degrading conditions and often beaten by the police. Information on those alleged acts? Comment on reticence by lawyers to raise such issues because of the judges' reluctance to deals with them?

As previously stated in the interactive dialogue with the Committee, the Government of Rwanda has a zero tolerance for Torture. With particular reference to Kami as stated earlier, Kami is not a place of detention and no one is held there or interrogated there.

21. Confirm allegations in Group of Experts report, that RDF had been implicated in various human rights abuses by M23. Any investigations and prosecutions of individuals who had allegedly provided such support?

Regarding the UN Group of Experts report, reference is made to the official response of the Government of Rwanda as contained in ANNEX 109 Security Council Document S/2014/42.

22. Did the law prohibit extradition when there was a violation of the right to life? How was the risk of violation of articles 6 and 7 to the Covenant assessed?

Article 16 paragraphs 2 and 5 of the 2013 Extradition law guarantee that an individual will not be extradited where they are in danger of facing torture or where the death penalty may be applied. The Extradition law also provides in Article 16 that an extradition will only occur where it is guaranteed that the requested person will be afforded all the guarantees in the ICCPR.

Extradition is subject to a court order and as such there is room for an appeal against extradition to be made to the courts and responded to before extradition can be done.

23. What is the average length of detention of foreigners and what are the conditions of their detention? Were persons arrested for immigration



offences placed together with convicted prisoners?

Persons awaiting deportation or extradition are held in Rwanda's prison facilities since there is no other designated place for that purpose. However the same international standards for the treatment of prisoners applied to all prisoners in Rwanda are applied to these individuals as well. In particular persons that have not been convicted are held in separate parts of prisons from those that are serving sentences. At present there are 313 foreign prisoners in Rwanda all of whom have elected to serve their sentences in Rwanda rather than be extradited back to their own Countries.

24. Status of the reproductive health bill. Was the bill proposed by Government?

A reproductive Health bill has been drafted by the Parliament and is currently under discussion by the chamber of deputies. The bill in its present form makes no reference to limiting abortion rights and we will continue to monitor its development to ensure that it does not regress from the 2012 position.

25. Any guidance on punishment of street children or so-called vagrants in order to avoid excesses. To what extent was compulsory work of children as a punishment in line with obligations under the Covenant?

The Ministry of Gender and Family Promotion and the Ministry of Education are in the process of developing guidelines that will be used to inform the manner in which children are disciplined especially at school.

26. Plans to improve conditions in military detention center's, penitentiaries and prisons? Separation, interaction between pre-trial detainees and prisoners still occurred. Was that because of the overcrowding? Results on visits by the Ombudsman? How many detainees had filed complaints and how many of those had been successfully investigated? Had Government tried to investigate alleged unofficial secret detention center's, or allow international investigators to visit them? Length of pre-trial detention, 72 hours' vs 48 hours?

Various efforts have been made in recent years to improve prison conditions for the over 50,000 individuals held in Rwanda's prison system today. Although they may be housed in the same prison facilities, they leave on different blocs wear different uniforms and have no interaction whatsoever. In addition, there is a health center with laboratory services at each prison



and a medical doctor visits often. Each dispensary in prison has at least three qualified staff including; a nurse, a lab assistant and a technician. These dispensaries allow detained persons to get the same quality of health care as the rest of the Rwandan people. A special diet is also provided for the sick as prescribed by doctors. Special treatment is also provided for pregnant women and for children in prison with their mothers.

The Prison Watch system implemented in all prisons ensures that each inmate's information is available on line making it easy to access for immediate action on the file as needed such as releasing people who have finished their sentences.

The monitoring of detention centers by NGOs is also guaranteed by Article 26 of the Rwanda Correctional Services Law. Regular visits are done by independent organizations including; the Office of the Ombudsman, the National Commission for Human Rights, ICRC, Transparency International Rwanda, Prison Fellowship Rwanda, Fondation DiDé (Dignité en Détention)-Legal Aid Forum (LAF), Religious organization, CLADHO and many others.

27. Why is there a need for the annual registration requirement for foreign non-governmental organizations.

There is no requirement for annual registration of international NGOs. Rather Organizations are given registration for the period of time for which they are able to meet the requirements in accordance with Article 11 of the Law Governing international NGOs. This law and all other information regarding the registration of international NGOs can be found on the website of the Rwandan Directorate of Immigration.

28. Leaders of the League for Human Rights in the Great Lakes region, had been detained and prevented from travel freely in the country. Provide information on that?

Representatives of this organisation were neither detained nor prevented from travelling freely. One representative of the organisation was questioned by immigration authorities on a purely immigration matter. He was never detained.

Provide information on the detainment(detention) of other journalists, including Stanley Gatera, as well as the editor of the Christian Radio



Organisation, and the death of the Transparency International employee.

Stanley Gatera was subject to a transparent judicial process, which had no relation to his role as a journalist. Information on the judicial process is publically available. Two individuals accused of murdering the Transparency International employee were prosecuted for the crime and were subsequently sentenced to 20 years imprisonment.

29. Use of torture during interrogation by State officials. Could information be provided?

The government maintains a zero-tolerance policy on torture. Any allegation of torture is investigated and if substantiated, individuals accused are brought before competent judicial authorities.

30. Regarding safeguards on the independence of the judiciary, and mechanisms to prevent interference of the administration of justice, there was a concern for due process, especially before military courts. (Provide information on judicial process in military courts) In addition, there had been cases in which prominent members of the opposition party had been identified by high-level government officials as culpable, and were unable to receive presumption of innocence by the judiciary. What were the guarantees, procedures and mechanisms in preventing and sanctioning interference of government officials?

Government officials are not and cannot, in their official capacity, pronounce themselves on an ongoing judicial process. We have no information on any case where this has occurred.

What was the role of the High Council for the Judiciary?

The role of the high council of the High Council of the judiciary is outlined in Organic Law No 07/2012/OL of 19/09/2012 which can be found on the Rwanda's Judiciary website.

Were there only judges appointed in this Council or were also political members of government and opposition in this Council?

The composition of the High Council of the Judiciary is contained in Organic Law No 07/2012/OL of 19/09/2012 mentioned above.

31. Statistics on the dismissal of officials involved in criminal cases.



Any government official subject to criminal proceedings is automatically dismissed from their official functions. Exact numbers will be provided when they become available.

32. Provide details on the forms and programmes in which training of judges took place and to inform whether human rights standards were applied.

All judges undergo training on the provisions of all human rights treaties to which Rwanda is a party with a specific emphasis on their application in domestic legislation.

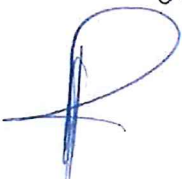
What was the impact of Gacaca.

The Government commissioned an evaluation report on the Gacaca Courts. The evaluation was conducted by the Center for Conflict Management at the University of Rwanda. It provided an analysis of the impact of the Gacaca Courts on dealing with a heavy genocide case load and the impact on unity and reconciliation in Rwanda. A copy of the report can be found on the Ministry of Justice website. The report also identified challenges experienced during the Gacaca process. Several other reports have also been done on the Gacaca process including a study by the National Unity and Reconciliation Commission on the impact of Gacaca on the reconciliation process in Rwanda. This study can be found on the Commission's website.

33. How many professionals were offering legal aid to indigenous peoples, and what resources were dedicated to legal aid? What was the government's assessment of the effectiveness of legal aid?

Legal aid is provided to all Rwandans who are in need of it. A law is currently being drafted which establishes a legal aid fund which will be independently administered and oversee the provision of legal aid. The government views legal aid as being critical for access to justice for all our citizens. It has had a positive impact on the population. Though some challenges remain in respect of coverage and improving the quality of representation, the government is committed to strengthening the access to justice system. There are no indigenous and non-indigenous people in Rwanda.

34. Measures taken to combat stigmatisation of children with disabilities, children with HIV/AIDS, or children born as a result of rape, aside from



the measures to fight malnutrition. What measures were taken to reduce or eventually eliminate child labour and what types of control were available to identify cases of labour?

The Ministry of Gender and Family Promotion, National Commission for children and the National Council for Persons with Disabilities work together to ensure that vulnerable children such as those living with HIV and children with disabilities are protected. In addition, the labour law prohibits child labour.

35. Statistics of victims, and proceedings of alleged perpetrators of trafficking in persons. What were the numbers of actual convictions, as well as penalties and prison sentences handed down and were victims entitled to compensation or reparation?

Please refer to the table below;

Financial year	Pronounced cases	Acquitted persons	Convicted Person
2013-2014	6	4	2
2014-2015	15	5	10
July to Dec/2015	4	3	1
TOTAL	25	12	13

36. What was the number of unregistered children? Recent figures? The children of migrants or minors were not registered, or when done, not within the prescribed period of time. Further details on that?

The new family law states that all children must be registered at birth. This will go a long way in preventing future challenges in the registration of children. With regard to children currently unregistered, every effort is made to encourage parents to register their information. It is however difficult to have statistics on the number of unregistered children.

37. What minorities and indigenous peoples were considered marginalized and what measures were in place to return the lands of those peoples, which had been taken away from them in the 1970s? According to the



information received, the Batwa enjoyed no special measures. Was the Government adopting a specific policy to protect that population, by integrating that category fully in Rwandan society?

There are no indigenous and non-indigenous people in Rwanda. The Government of Rwanda has a zero tolerance for discrimination of any kind including ethnicity in accordance with Article 15 of the Constitution. This issue is particularly sensitive in Rwanda due to our history. Efforts have been made to help the Batwa integrate with the rest of the Rwandan community. In the social integration program, the Batwa are settled with other Rwandans in organized settlements which have access to all villages and provided with all necessary materials to enable them to settle. 15,552 family members of the Batwa people benefited for Community Based Health Insurance by 2015. 583 students are in twelve years basic education program studying at no cost. 242 youths supported in TVET. 53 students have been supported 100% in High learning institutions and universities. 2,432 members of the Batwa community were given their own land through the bye bye Nyakatsi programme. 1081 acquired land through buying themselves or given by the Government .1091 benefited for VUP Umurenge Program through direct support, Public Works and Finance Services. 371 benefited from the Girinka program. In political and economic integration, 15 projects generating income are supported since 2012. 1,640 are members of cooperatives after the sensitization to join the cooperatives and banks and microfinance institutions in terms of serving.

38. Interception of communications, according to the law, was allowed when all other measures were exhausted. Confirm that there was no requirement for judicial authorization for interception of communications?

Articles 72, 73 and 74 of the Criminal Procedure Code of 2013 provide the circumstances under which communication may be intercepted. Such interception may only be done in relation to offences against national security and can only be a measure of last resort when all other possible sources of evidence have been explored. In addition such interception must be authorized by a national prosecutor and information obtained must only be used for the particular case for which it was requested. This provision in the criminal procedure law is a positive development since previously the law was silent on the issue. The Criminal Procedure Code will also soon be under review and all outstanding issues will be addressed.

39. Regarding genocide-related offences, such as incitement to commit



genocide, there was a concern that offences enumerated in it, such as genocide ideology, might have chilling effects on the freedom of expression. Comment on the information that those offences continued to be applied to political dissidents, such as Victoire Ingabire, Bernard Ntaganda, and the journalists Agnès Nkusi Uwimana and Saidati Mukakibibi?

The Genocide Ideology law as amended with the assistance of international experts in order to better define the offences and their elements. Because of this and increased civic education and the promotion of national unity, the number of individuals prosecuted has continued to go down and the recurrence of cases continues to diminish as well. All the individuals mentioned were subject to transparent judicial processes. With the exception of one, all others have served their sentences and are free. Information on these judicial processes is publically available.

40. Update on plans for decriminalization of defamation, and the crime of insult in the Penal Code.

The Penal Code is currently under review and discussions are ongoing among different stakeholders. The media is particular continues to freely advocate for the decriminalization of defamation. A robust debate is anticipated in Parliament on this issue. Ultimately the decision will have to be made by the Parliament of Rwanda. There have been very few cases of criminal defamation in the last few years. In the last 5 years, only 7 cases have been prosecuted.

What is the current status of consultations in the national dialogue on media? There any safeguards for journalists. How were journalistic sources protected in the State Party? Were journalists' sources protected under the current media legislation?

Article 13 of the 2013 media law specifically provides for the protection of journalists sources and journalists are under no obligation to reveal their sources. In very exceptional circumstances permission must be given by a court of law in order for the source to be revealed.

41. Jehovah's Witnesses had reported discrimination against them for the refusal to sing the national anthem, participate in religious ceremonies in school or other actions. What measures could be taken to prevent such discriminatory acts in the future? What could be done to address their



conscientious objection to military service?

The Right to practice one's faith is a Constitutional guarantee but one that must be balanced by general obligations of all citizens which we are all subject to. The Government is open to discussions on how to accommodate their religious obligations while complying with their civic duties as citizens and members of the Rwandan society.

42. Exact number of asylum seekers and migrants who had recently come in from Burundi.

As of Friday 18th March there were 77,587 Burundian refugees in Rwanda)

What was their status?

Burundian refugees were granted prima facie refugee status on 24 April 2015.

Did they get documents that regularized their stay and what were their rights? Were they entitled to social services and education?

In line with the granting of refugee status, refugees are documented and have access to all social services including health and education.

What measures were in place to respect the principle of non-refoulement?

Rwanda hosts and offers protection to over 130,000 refugees. Rwanda is firmly committed upholding its international and national obligations on protection of refugees.

Had the Refugee Status Determination Order been passed? Did the State recognize gender persecution as a grounds for refugee status? What improvements had been achieved on conditions in refugee camps?

Rwanda continues to improve conditions in all refugee camps including through the provision of land, infrastructure including social infrastructure and environmental management.

43. Examples of amendments to the domestic legal system that had enhanced and promoted human rights in Rwanda.



Since 2009 many amendments to the legal system have been made in order to enhance human rights. Particular examples include; the new laws regulating the Office of the Ombudsman and the Human Rights Commission that give both institutions increased autonomy in receiving and responding to complaints. The laws creating the National Commission for Children, the Rwanda Governance Board and the National Council for Persons with Disabilities. The amendment of the 2008 genocide ideology law to better define crimes associated with genocide ideology. The laws regulating Political Parties and Non-Governmental Organisations as well as the Access to information law and the law regulating the media have also contributed to improved enjoyment of human rights in Rwanda. In addition the new law regulating the media high council has enhanced the environment of media self-regulation by limiting the work of the Council to capacity building only.

44. Regarding the Abunzi, was there an equal representation of all tribal and ethnic groups in Rwanda, in order to ensure a fair trial and equal protection of law for all people?

There are currently 17,941 Abunzi in Rwanda, 9,988 men and 7,953 women. The Abunzi are drawn from Rwandan community to serve all Rwandans without discrimination on any basis and are chosen for being highly regarded members of the communities they come from.

45. Why had the referendum been held only one week after it had been announced, and why had the exact text of the referendum question been published only one day before the vote? Had there been monitoring, and, if so, where and how had it been conducted?

The referendum took place following an extensive public consultation and debate process over a period of few years and exactly as stipulated in the Constitution. Over 3 million Rwandans petitioned parliament for a change in the constitution. Parliament conducted intense nation-wide consultations on the referendum in which Rwandans openly expressed their views on all issues related to the referendum. Rwandans were fully aware of the issues under consideration in the referendum.

46. The new 2015 Constitution, with its amendments, now provided that a former President could not be prosecuted for treason or a serious violations of the Constitution, when no offence was brought against him when he was in Office. That would effectively ensure impunity for



President Kagame and future Presidents. Reason for that amendment and how accountability for heads of state could be ensured for any violations of the Covenant.

Article 113 of the 2015 Constitution anticipates that a sitting head of State may be prosecuted for criminal offences. In addition Article 222 of the 2013 Criminal Procedure Code provides that a sitting President can be prosecuted for criminal offences. Article 114 of the Constitution only exempts a former head of State from prosecution for treason and violation of the Constitution which mean that he or she may be prosecuted for any other offence. The rationale for this exception is simply to prevent any possible intimidation or harassment of a former head of State. However it does not allow impunity since such an individual can be prosecuted while still in office. Similar provisions existed in the former Constitutions as well.

47. Clarification on the purpose of the new Bill on Reproductive Health and its provisions.

The new bill seeks to govern reproductive health by determining the rights and obligations of every Rwandan and the duties of the government in relation to reproductive health.

48. Withdrawal from the Optional Protocol on the right of individual petition to the organs of the African Charter on Human and People's Rights. Further explanations were requested.

Rwanda has withdrawn the unilateral declaration for review and discussion with the Court and with the African Union on the criteria that should be used for accepting matters by the Court. Rwanda is firmly opposed to convicted genocidaires bringing false claims before the court and using it as a way of laundering themselves and attempting to change the historical narrative of their guilt.

Genocide is a very serious crime and it should compel the Court to take a firm, clear and deliberate stand on this issue and not give convicted genocide criminals a platform.

49. Why had no information been provided on the two cases where the Working Group on Arbitrary Detention of the Human Rights Council had found the State Party in violation of Article 20 of the Covenant?

Agnes Nkusi Uwimana and Saidati Mukakibibi were tried by the High Court for charges of genocide ideology and defamation and found guilty as charged, sentenced to 17 years (UWIMANA) and 7 years in prison (MUKAKIBIBI). They appealed the decision in the Supreme Court; which Court reversed the High Court's decision acquitting UWIMANA NKUSI on two charges (genocide denial and ethnic divisionism). The sentence was also revised and reduced to 4 years (UWIMANA) and 3 years (MUKAKIBIBI). Both journalists have since been released after serving their sentences: Saidati MUKAKIBIBI was released on 25th June 2013 after serving her three (3) years in jail. Agnes NKUSI UWIMANA, was released in July 2014 after serving a 4 years in jail.

50. Concrete information was needed on the genocide legislation and why it was necessary.

Although Rwanda ratified the Genocide convention in 1975, it did not have a genocide law until after 1994. The 1994 genocide against the Tutsi which left over one million people dead was the culmination of a long history of marginalization of the Tutsi in Rwanda beginning in 1959. This marginalization was even statutory and was the popular political ideology at the time. No one was ever prosecuted for any of the offences committed against the Tutsi people in that period and instead legal amnesties were provided. Law no.6 of August 1962 and Law no.20 of May 1963 in particular provided a blanket amnesty for all offences committed between 1959 and 1963. These were ostensibly crimes committed against Tutsi people including killing and destruction of property. Law no.3 of February 1979 went so far as to grant post-humous amnesty to Gregoire Kayibanda a former head of State for offences he committed relating to the killing and exiling of Tutsi people.

Before the 2008 genocide ideology law was promulgated research was done all over the Country by the Parliament at the time. The research found that genocide ideology was still very much entrenched in the minds of ordinary Rwandans and there was therefore a need to have a tough law against it. At the time it was still possible for divisive ideas to be taught even in schools or most commonly passed on by parents their children. The 2008 law was thus a response to this urgent need which is why it imposed such strong penalties so as to completely deter people from harboring or sharing a genocide ideology.

However, it became clear in practice that the law had significant loopholes.

In an effort to identify those loopholes; research was carried out among lawyers and judges to identify the challenges faced in implementing the law. In an effort to address those challenges and amend the law, several experts in international justice were engaged to advise the drafters on a modal law that fits the purpose and conforms to the international obligations of Rwanda. The genocide ideology law of 2012 thus addresses all of the concerns expressed on the 2008 laws and has: a more specific definition of the crime of genocide; separation of genocide ideology from related offences; emphasis on the need for statements amounting to genocide ideology to be made in public; respect for the presumption of innocence and all other fair trial rights.

Information on the genocide ideology law can be found in Law N° 84/2013 of 11/09/2013.

51. Accuracy of the assertion that military courts had the competence to try civilians who were accomplices of soldiers accused of military crimes. Figures about the number of civilians tried by military courts and for what type of crimes?

Organic law no.51/2008 relating to the jurisdiction of courts provides in Article 148 that, when several accused persons some of whom are triable by ordinary courts and others by military courts are jointly charged with the commission of the same offence or related offences they shall be tried by a competent military court. However, where one of the accused is triable by the Supreme Court then all the accused persons will be tried by the Supreme Court instead.

52. Confirm the number of juveniles in prisons. Were there street children and could details be provided on those?

There are currently 3787 minors in rehabilitation centers in Rwanda. Only those juveniles who have been convicted of criminal offences are held there. Street children who have not been convicted of a crime are not detained.

