



OPEN LETTER TO:

- The President of the European Commission Jean-Claude JUNCKER and the Commissioner for International Cooperation and Development Neven MIMICA
- The High Representative and Vice-president of the European Commission Federica MOGHERINI
- The President of the Council of the European Union Donald TUSK
- The President of the European Parliament Antonio TAJANI

Brussels, 1 June 2018

Re: Having a coherent and effective European approach about human rights, the rule of law and democracy in Rwanda

Dear Sir or Madam,

Next week you will be meeting with the President of Rwanda Mr Paul Kagame. Moreover, on Tuesday 5th June, the European Development Days organised by the European Commission will take place in Brussels, and you have invited Mr Paul Kagame to attend and give a speech during the opening ceremony. Prior to these events and meetings, we would like to draw your attention to a number of points.

Rwanda has come a long way since the tragedy of 1994. Thanks to good technocratic governance, the country is today safe, has experienced strong economic growth, and has improved access to basic social services. President Kagame is rightly praised for his leadership in bringing about a Rwandan 'revival'.

However, in recent years, the European network for Central Africa and other rights groups have witnessed¹ a marked increase in human rights violations carried out by the Rwandan regime against all dissident voices in Rwanda. There is significant and increasing restriction on fundamental rights and freedoms, in particular civil and political rights and the freedom of expression, association and assembly. Torture, extrajudicial executions, forced disappearances, and restrictions on the implementation of regional and international human rights conventions and on access to the African

Court on Human and People's Rights are cause for grave concern. There are also growing restrictions on democratic space and civil society space. In addition to the repression of political opponents, outspoken civil society organisations, both national and international, are coming under significant pressure. It would appear that a new law on NGOs is about to be adopted, which, as in the other central African countries, would further reduce civil society's scope for action.

In addition, while international and Rwandan supporters of the Rwandan regime point to economic progress as a reason to dismiss concerns over democratic participation, recent discussions on Rwandan poverty figures and indicators have questioned the validity of official statisticsⁱⁱ, a point reinforced by the important level of child stunting in the countryⁱⁱⁱ.

President Kagame is currently the President of the African Union. In this position, he is a model for the whole African continent. We therefore believe it is important that you, as representatives of the European Union, urge the Rwandan president to uphold the values and institutions of the African Union, as well as the conventions it has adopted, such as the African Charter on Democracy, Elections and Governance, the African Charter on Human and People's Rights and the African Court on Human and People's Rights.

The Strategic Framework for the Great Lakes Region^{iv} adopted in June 2013 by the European Commission and the Council of the EU identifies human rights, the rule of law, and democracy as the EU policy priorities in Central Africa. In Burundi and the Democratic Republic of Congo (DRC), human rights, the rule of law and democratic principles have resulted in public declarations by the EU, and also in some measures taken, such as targeted sanctions against those responsible for human rights violations. In order to have a coherent and effective policy, it is important that the European Commission also puts human rights, the rule of law and democratic principles at the centre of its relations with Rwanda, both in its public and in its diplomatic dealings with President Kagame and the Rwandan government. European policy should be coherent and not give the impression of applying double standards in relation to democracy and human rights in Central Africa.

We hereby urge you to raise the following issues in your discussions with President Paul Kagame:

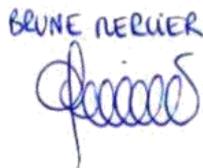
- **Explicitly call for improved cooperation between Rwanda and international and African human rights institutions**, such as the Sub-committee on Prevention of Torture (SPT), the Committee against Torture (CAT) and the African Court on Human and People's Rights;
- Stress the importance of **implementing the recommendations and decisions of these international institutions**, such as the African Court ruling of November 2017 in the matter of Victoire Ingabire, and the recommendations of the United Nations Committee against Torture of December 2017;
- **Express your concern regarding restrictions on democratic space**, in particular the repression of members of the banned opposition party FDU-Inkingi and the former presidential candidate Diane Rwigara and her family;
- **Communicate the European Commission/European Parliament/Council's outrage in the face of increasing numbers of documented extrajudicial executions, forced disappearances and torture**, and advocate for the right to freedom of expression, association and assembly as laid

out in the Rwandan Constitution and the regional and international conventions which Rwanda has signed and ratified;

- **Underline the importance of an inclusive, free and rights-based society** as the best context for sustainable political and socio-economic development.

Rwanda has come a long way. The Rwandan government deserves to be congratulated for its good technocratic administration, for its fight against corruption and in favour of women's rights, and for progress in relation to security and access to basic services. However, the issues described in this letter should not be overlooked. They hinder the country's development towards an open, democratic and free society in which all human rights – political, civil, social, economic and cultural – are respected.

Yours sincerely,



Brune Mercier

Director

European Network for Central Africa

For further contact on this matter:

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Justification for our recommendations:

Context

The 1994 genocide has deeply scarred Rwandan society. Out of a population of 7 million, approximately 800,000 people are estimated to have been assassinated in just a few months. During and after the genocide, some 2 million Rwandans fled to neighbouring countries where they were forced to survive in appalling conditions and were frequently exposed to violence. Sexual violence was widespread. Since the 1994 tragedy, Rwanda has come a long way. Today the country is safe, has experienced strong economic growth and has improved access to basic social services thanks to good technocratic governance. President Kagame is rightly praised for his leadership in bringing about a Rwandan 'revival'. However, besides these undeniably positive developments, Rwanda still faces many challenges. There is significant and increasing restriction on fundamental freedoms, in particular civil and political rights such as the freedom of expression, association and assembly.

Democracy

All is not well with democracy in Rwanda. At the end of 2015, the Rwandan Constitution was revised in a referendum, criticised in particular by the European Union in a [declaration](#) of the High Representative Federica Mogherini, which allowed President Kagame to run again, in the presidential elections of August 2017, where he then achieved a 98.79% victory. The [European Union](#), the [African Union](#) and the [United States](#) highlighted major irregularities, such as the harassment of some opposition candidates and Rwandan citizens during the campaign, the refusal to share essential information with electoral observers and a certain number of invalid ballot papers.

[International human rights organisations](#) reported a climate of fear, serious human rights violations and the lack of democratic space that made credible opposition and open and critical debate impossible. During the repression that followed Kagame's election victory his main opponent, the 35-year old activist Diane Rwigara, was arrested. She faces up to 15 years in prison for "inciting rebellion", a politically motivated charge. Several members of the banned opposition party FDU-Inkingi (the party of the best-known Rwandan political prisoner Victoire Ingabire) were also arrested in the months that followed the elections.

Serious repression of political opponents is not a new phenomenon. Following the last presidential elections, in 2011, opposition candidate Victoire Ingabire suffered the same fate and she is currently serving a 15-year sentence. However, in November 2017, the [African Court on Human and People's Rights](#) stated that Victoire Ingabire's conviction violated her right to freedom of expression and her right to an adequate defence. With the trial of Diane Rwigara, President Kagame is sending the same clear message to political opponents in Rwanda: whoever opposes him will pay a heavy price.

Human Rights

Even though Rwanda has for a long time had a mediocre track record in relation to the protection of civil and political rights, since the 2017 elections there has been a rapid decline in this regard.

In July 2017, the international human rights organisation [Human Rights Watch](#) (HRW) documented a large number of extrajudicial executions. After the publication of HRW's report, the Rwandan

government initiated a [defamation campaign](#) against the organisation, and the family members of victims who participated in the report received threats. Contradictory statements regarding the death of lawyer [Donat Mutunzi](#), found dead in a police cell on 23 April 2018, also point to another case of extrajudicial execution.

In October 2017, [HRW](#) published another report, this time regarding the increase in the number of torture cases. On 20 October 2017 the Sub-Committee on Prevention of Torture (SPT), the United Nations committee responsible for monitoring the implementation of the United Nations Convention against Torture, prematurely ended [its visit to Rwanda](#) "due to a series of obstructions imposed by authorities, such as accessing some places of detention, confidentiality of certain interviews and over concerns that some interviewees could face reprisals". The [United Nations Committee against Torture \(UNCAT\)](#) published a long list of observations and recommendations in December 2017 and expressed its concern about the lack of progress in the country's fight against torture. During her trial, political opponent [Diane Rwigara](#) also indicated that she had been tortured, together with her mother.

Forced disappearances also constitute a serious problem in Rwanda. In the repression which followed the presidential elections in 2017, several of President Kagame's [political opponents](#) disappeared, including members of the banned opposition party FDU-Inkingi. [More recently](#), Rwanda was jolted by the news of the disappearance and secret detention of lawyer Donat Mutunzi and his colleague Jean-Claude Muhikira.

Finally, in recent years, the Rwandan government has introduced particularly severe restrictions on access to and the applicability of international human rights. For example, the 2015 amendment to the Constitution introduced a new legislative hierarchy. International treaties, including human rights treaties ratified by Rwanda, are now subordinate in the judicial system to the Constitution and even to ordinary legislation or "organic laws". A few months later, in March 2016, Rwanda [withdrew](#) from the additional protocol establishing the African Court on Human and People's Rights which allowed individuals and NGOs to report human rights violations directly to the Court.

ⁱ [Democratic processes and political stalemates in the Great Lakes region. For a stronger engagement from the European Union in Burundi, the DR Congo and Rwanda](#), EurAc, June 2017

ⁱⁱ Sam Desire, [The Evidence Mounts: Poverty, Inflation and Rwanda](#), Blog of the Review of African Political Economy, 2017

ⁱⁱⁱ [Land and agriculture in Rwanda: EU support must focus on the needs of the most vulnerable rural actors](#), EurAc, December 2017

^{iv} [Joint Communication to the Council. A Strategic Framework for the Great Lakes region](#), European Commission, 19 June 2013