

REPUBLIC OF RWANDA



MINISTRY OF JUSTICE
P.O. BOX 160 KIGALI
Tel: (250) 252586561 Fax: (250) 252586509
E-mail : mjust@minijust.gov.rw

Assessment of the Ministry's relationship with Human Rights Watch

1. It has become inevitable that we critically reassess our current relationship with Human Rights Watch and seek answers to questions like whom and for what objectives does the organization serve? What motivations lie behind their publications? Is it a bonafide, independent human rights watcher or an embedded undercover political actor? To whom is it accountable and to whom does one complain when the organization is thought to be involved in acts harmful to one's interest?
2. In 2011 the Ministry entered into an MoU with HRW that defines the terms of their working in Rwanda. It has been renewed annually. We are now in the third year. The overall aim is to work jointly and severally to achieve broad protection of human rights in Rwanda.
3. In article VI(6) HRW committed itself to "high ethical standards, rigorous methodology and analysis to produce evidence based information".
4. Article VIII provides for the building of mutual trust and a good faith practice of dialogue which in "...would promote openness and transparency." The MoU contains lots more noble ideals which the Ministry believes it has lived up to.

5. The Ministry has observed a consistent and persistent pattern of actions, activities and publications on the part of HRW that the Ministry finds capable of only one explanation: a deliberate, sustained, and politically motivated propaganda campaign against the Government of Rwanda.
6. More particularly HRW seems to have more overtly become the campaign mouthpiece of the FDLR, the armed genocidaires who after committing genocide in Rwanda in 1994, were given safe passage to eastern DR Congo and have been accorded, ever since, a lucrative safe haven and shelter from justice.

Today they have turned that area into the country's loot and rape region. It is not in doubt across the world that the FDLR, day in day out, plans, trains and actually does destabilize Rwanda through incessant armed incursions, terrorist attacks and commits a host of other small and big criminal acts on Rwanda soil.

It is also not in doubt that, given the opportunity, the FDLR would, again and again, attempt to finish their unfinished genocide business.

7. Late in 2013, intelligence intercepted information from an FDLR commander in DRC in which he was instructing a group of operatives to/from Rwanda to immediately inform HRW should they be suspected and/or arrested. This commander supplied a HRW staff e-mail address. This information was recently shared with HRW's Lewis Mudge.
8. Members of this particular group were subsequently arrested at different times and places both on Rwandan territory and beyond. They included one Lt. MUTABAZI, a deserter from the Rwandese Defence Forces.

The group is currently being prosecuted for, inter alia, terrorism and complicity in terrorism. Prosecution says it had evidence that Mutabazi stage managed an armed attack on his Kampala residence in the night. The case is still in Court and we cannot prejudge. In spite of this HRW claimed, through mass publication again, that Rwanda Government agents had attacked him.

9. Lt. Mutabazi was handed to the Rwanda National Police (RNP) by the Ugandan Police. We have, in compliance with the law, refrained from discussing this case in the media or elsewhere as it is before the courts.

HRW has, however, in the guise of human rights work, unilaterally mounted a relentless campaign against the RNP and attacking the independence of the Rwanda's Judiciary by making unevidenced "**findings**" that Lt. Mutabazi was abducted from Uganda, that he was tortured and forced to confess to crimes, usurping the courts' role in the process and putting the courts' capacity to issue restraining orders to stress tests.

Flouting and operating above the laws protecting the independence of the judiciary and providing for contempt of court has been a HRW trademark.

We hoped that open and transparent engagement would yield a minimum of respect for the law. Careful evaluation of HRW's conduct in its whole existence in Rwanda, however, shows us clearly the strategy has not worked.

10. On 28/04/2014 HRW requested to discuss with Ministry of Justice a number of cases, all of suspected FDLR operatives. Their concern was that fair trial principles had been violated in those cases.

On or about the 6th May 2014 the Ministry confirmed that from about the 1st to 5 May 2014, at a hotel in the border town of Rubavu, Mr Lewis Mudge, the HRW researcher opened a interrogation counter and interrogated many people about many issues related to the insecurity situation in the north and specifically on the arrest, detention and trials of suspects. He was assisted and facilitated by one Bahame Innocent, a son of one businessman named Butsitsi Alphonse, himself a suspect and on trial for state security offences and complicity in terrorism.

11. On 13/05/2014 Ministry of Justice invited and met the same Mr Mudge and supplied to him comprehensive information, including substantive and procedural law, around fair trial on each case submitted prior to the meeting.

At the same meeting Mr Mudge claimed there were other similar cases as well as cases of people who have disappeared. The Ministry requested that he provide particulars so each case could be treated individually and we would provide information in due course, in compliance with the mutual accountability requirements in our MOU. HRW supplied a list with about 14 names.

Three days later HRW issued a world wide publication “for immediate release” and, without providing an iota of evidence in substantiation, made, among others, the following two “findings”;

First, that it has since 2010 documented a number of cases of people *“accused of being FDLR members or collaborators, charged with State Security offences, detained incommunicado by the Military, forced to confess to crimes, or implicate others sometimes under torture”*. And that when they were brought to trial, and told judges that their confessions were extracted under torture *“judges in many cases disregarded their claims and proceeded to convict them in the absence of any other evidence”*.

Second, that all those people were victims of enforced disappearance and state agencies were complicit.

On 19th May 2014 we got the information we had promised to obtain and share but it seems we were too late in a race HRW was, unknown to us, had set in motion.

Although we believed we had, in quick fashion, satisfactorily dealt with the issues HRW had brought, and agreed that we would also provide responses to new issues raised at the meeting, it seemed HRW would only be satisfied by some amount, any amount, of defense of collaboration with the FDLR. It was unmistakable.

12. Of grave concern is that in this same release of 16th May 2014, HRW has joined the fringe that is struggling in vain to sanitise and/or legitimize the FDLR. According to HRW today FDLR is a “Rwandan armed opposition group” made up, “partly”, of people who committed the genocide here in 1994.

Again the intent to cleanse the FDLR of, inter alia, the genocide ideology that is its organizational raison d'être, the terror it believes in and practices both in Rwanda and the DRC with increasing boldness, is unmistakable. This description, fortunately, provides an insight into the current HRW/FDLR relationship and perhaps understand the dynamics underlying HRW's rapid intervention and defence whenever the issue involves suspected FDLR operatives.

13. The Ministry of Justice wishes to clarify that in the last few months our police, army and intelligence units in the North West have dealt with security challenges as a result of armed cross border criminal incursions into Rwandan territory.

Between March and May a total of 9 sub machine guns, one pistol and 9 grenades were recovered hidden either in citizens' homes or buried under fresh soil. These arms, without exception, are brought into the country from FDLR bases in the DRC. They are transported in covertly, on foot, bicycles, motorcycles, in sacks of food etc. by FDLR operatives.

In Dec 2013 a police officer in Muhoza Sector, Musanze was shot and killed. The suspects were Nsengiyunva Jotham and Habimana Sadiki, on instructions of FDLR Colonel Protogene Ruvugayimikorere a.k.a. Ruhinda. In January 2014 there was a grenade attack on the National Police College, Musanze. 8 people including 2 of the suspects were injured. Just after this attack the vehicle of the Mayor Musanze was attacked as it entered her home on the evening of 16/01/2014. She was not in the vehicle but her child was killed and a watchman seriously wounded. Again the suspects were Nsengiyunva and Habimana.

A number of attacks rocked Kigali city before this. Again a number have been nipped in the bud, thwarted or they simply became too risky to carry out.

On 28th May 2014 one Amri Balume was nabbed at the Bugarama border post (Rusizi) ferrying a gun and ammunition rounds in a sack of rice

For clarity Rwanda considers that one gun or explosive in the wrong hands, *even before an attack*, amounts to a very high level of threat to our peace and triggers the deployment of the necessary capabilities to decisively deal with it.

14. FDLR insecurity manufactured in the DRC for consumption in Rwanda has not been in short supply and probably will not be unless that factory is closed one way or the other. The nature of challenge this poses requires slow, discreet, thorough and extremely careful investigation in order to avoid or minimize criminal suspicion against innocent citizens or unknowing participants. Each single incident represents a combination of the effort of tens of participants. The challenge has not just been dealt with through the justice system alone. Scores of small time suspects have been dealt with through “ingando”, demobilization and reintegration efforts.

This notwithstanding, our agencies have done their best to comply with the country’s detention laws. Any issue arising was an exception to the detention law for which courts demand rigorous justification.

Where circumstances are found to be less than justifying immediate release will be ordered. Where circumstances justify the act, or it is in interest of justice, courts are empowered to confirm detention.

15. DR Congo and Rwanda share borders. Law abiding citizens on both sides have crossed these borders to and fro Rwanda since time immemorial. This relationship is as old as the two countries.

Human Rights Watch wants the world to believe that the mere fact of crossing to and fro makes one a suspect. It does not. Cross border lawful activity is recognized and protected. Our borders are open 24 hours. We cannot be lectured on the importance of this relationship by anybody, let alone, HRW.

16. It is a very few misguided operatives and their accomplices who take advantage of the peaceful and mutually beneficial relationship to ferry guns, ammunition and explosives into the country for terrorist operations. It is these individuals that are the subject of investigation, certain arrest and trial. It these whom HRW is, knowingly, up in arms defending as ordinary folk victimized merely because they “....used to visit relatives or conduct

business in Congo....". Surely HRW knows or should know that this is simply a preposterous allegation.

17. Unlike 1994 the population of Rwanda today are united and solidly behind the country's development agenda and not only are they focused on the dividends of a future of peaceful democratic development, they are also more willing than ever before to point out suspicious persons and activities in their midst.

It is probably this reality that HRW finds inconsistent with its trademark narrative of today's Rwanda and is intent on throwing it off balance to convince its audience that the picture it paints of Rwanda is true.

18. It is particularly significant to note that HRW in its publications has not reported, either as "findings" or as allegations, on the arms ferried into Rwanda from FDLR bases in DR Congo.

It has not reported on the actual attacks on high profile targets as pointed out above. Of serious concern again is it seems increasingly certain is that HRW is willfully blind to the visible linkage between two human rights issues; the first caused by the terrorist activities from across our borders, the second caused by the suspicion, arrests and, at times, irregular detentions of suspects of the first.

For HRW it seems that there is no human rights tag attached on those who have been targeted, killed, and maimed as a result of the activities of the people they paint as innocent ordinary and lawful visitors to and fro DRC even before the courts do so. Were HRW to publish or share with us information we think they have of planned activities and routes of the FDLR most security issues would be nipped in the bud.

19. There are many Human Rights organizations working in/on Rwanda full or part time in diverse domains. They publish reports, often critical. We listen to the criticism with humility and always seek ways to cooperate in correcting the situation where necessary.

A bond of mutual trust and respect exists, which further smoothens the relationship and increases the dividend to the population.

The difference between these other organizations and HRW is that they do their work openly, transparently, and in good faith. And, they are not driven by a political motive to hit at the Government of Rwanda and obtain political victory against it.

20. Ultimately we find that HRW's publications, actions and activities have turned it into a much needed mouth piece for criminal and/or terrorist groups, particularly FRLR, who are self-declared armed enemies intent on violently overthrowing the RPF Government.

Consequently they have become emboldened, more risk averse and continue to lure unsuspecting citizens into joining their ranks, promising them quick victory and big positions in a successor government. Perhaps this explains the rapid intervention by HRW when these people inevitably get arrested.

21. For Rwanda, it has become a frustrating impossibility to differentiate HRW's activities in compliance with the MoU and political propaganda for terrorist groups. Its independence and autonomy are, clearly, too blank a cheque.

A biased and subjective narrative of the Government, presuming it and its institutions culpable and against its citizens' interest, executed under the banner of independence and autonomy, are now standard currency for the context, content and language in HRW's publications.

The organization's staff seems uninterested in doing better, in our view. The current researcher seems intent on chasing after a rich CV and fame for serving in a "global hot spot" and coming out alive. In the process of turning Rwanda into his dream hot spot, he has sacrificed ethics, truth, objectivity and personal integrity. The one before the present one was not much different but, when she violated immigration regulations over

signature forgery, she went into overdrive and now reports on things she has no idea at all about.

Whether this is by design or default HRW knows best but what is known is that HRW will always stand by the “high ethical conduct” of their field staff, no matter what.

To sustain the organisation’s unassailable attitude will require a bit more of thought into who represents it in Rwanda.

22. Rwanda does not claim to be perfect, no country is. That said we neither run offshore prisons nor maintain secret prison locations anywhere. In spite of the challenge we deploy all effort and means to comply with the law.

However the value addition of HRW as a human rights partner to the Ministry, the Justice Sector and the country in general, is clearly negative and daily erodes away a piece of the gains we have made in this area over the past 2 decades.

Meetings, e-mails, phones calls, desk officers and emissaries have not managed to improve the situation.

Our MoU has been put under such intense stress that, from the Ministry’s point of view, it is clearly headed towards irreparable damage. The Ministry will communicate directly with Human Right Watch on this.

The Ministry re-iterates its readiness to continue cooperating with any and all human rights stakeholders and activists in good faith, open, transparent, and mutually respectful relationships that result in both narrow and broad protection of human rights for the Rwandan people, easier achieved without HRW’s divisive, disruptive and destructive contribution.

Done at Kigali, on 2nd June 2014

**MINISTRY OF JUSTICE
Communication and Public Relations**