



RESPONSES TO INFORMATION REQUESTS (RIRs)

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The Board		3 August 2007
About the Board	RWA102533.E	
Biographies		
Organization Chart	Rwanda: Reports of ill-treatment of members of the Hutu ethnic group, in particular in connection with reprisals for harm experienced by Tutsi genocide survivors, and perceived or actual opponents of Hutu ethnicity (2004 - July 2007)	
Employment	Research Directorate, Immigration and Refugee Board of Canada, Ottawa	
Legal and Policy		
References		
Publications	Freedom House notes that although "explicit" discrimination on the basis of ethnicity no longer exists in Rwanda, "ethnic divisions remain a concern" (Freedom House 2005). In addition, the Office of the United Nations (UN) High Commissioner for Refugees (UNHCR) reports that "a high level of mistrust still remains between different sections of the population" (UN Jan. 2004, Para. 15).	
Tribunal		
Refugee Protection Division		
Immigration Division		
Immigration Appeal Division	The Rwandan government has removed all mention of ethnicity from official documents and emphasizes the promotion of national unity (US 6 Mar. 2007, Sec. 5). As a result, ethnicity has become a taboo subject (ibid., Sec. 2.2). In 2002, Rwanda passed a law that prescribes punishment for acts that may promote or result in ethnic cleavages (Canada n.d.; see also Rwanda 2006, 89).	
Decisions		
Forms		
Statistics	Persons of Hutu ethnicity, collective guilt, and the gacaca process	
Research		
Research Program	A senior advisor with Human Rights Watch's (HRW) Africa division who is an internationally recognized expert on Rwanda noted in a 24 May 2007 interview with the Research Directorate that generalized discrimination in Rwanda occurs against members of Hutu ethnicity under the guise of considering them guilty of genocide.	
National Documentation Packages		
Issue Papers and Country Fact Sheets	Following a pilot phase, the government of Rwanda implemented <i>gacaca</i> tribunals throughout the country in 2006 in order to bring perpetrators of the genocide to justice (HRW Jan. 2007). <i>Gacaca</i> is described as a traditional court based on truth and reconciliation, in which criminals are tried within communities where the crimes were committed (AI 2007).	
Responses to Information Requests		
Recent Research		
Media Centre		
News	Amnesty International (AI) reports that there are concerns that the <i>gacaca</i> trial process is flawed (2007). Defendants are reportedly not permitted to provide a defense prior to or during trials, and the system is publicly perceived to lack impartiality (AI 2007). The UNHCR notes that the Rwandan legal system does not adequately protect persons from double jeopardy (being tried twice for the same crime), and individuals who have previously been acquitted of genocide or who have been released from custody continue to fear re-arrest without due process (UN Jan. 2004, Para. 54).	
Information Sheets		
Media Relations		
Proactive Disclosure		

In Rwanda's East province, a *gacaca* judge reportedly asked for bribes from

at least two defendants in exchange for an acquittal (AI 2007). AI has expressed concerns about defendants in genocide-related cases who have been sentenced to 30 years incarceration despite doubts as to their guilt (ibid.). AI reports that among the 20,000 Rwandans who fled the country in 2006 and sought asylum elsewhere, the principal reasons for leaving Rwanda included avoiding "persecution by local authorities" as well as avoiding summons to appear before gacaca courts (ibid.). HRW notes that since the perpetrators of the 1994 genocide were overwhelmingly Hutu, persons of Hutu ethnicity fear being identified as holding genocidal ideas or as attempting to avoid due process for crimes committed during the genocide (HRW 19 Jan 2007, 13). The United States (US) Department of State reports that by the end of 2005 gacaca officials counted 69 suicides by individuals accused of genocide-related crimes who were scheduled to appear before gacaca courts (US 6 Mar. 2007, Sec. 2.e).

With respect to attacks against Tutsi plaintiffs and witnesses appearing before gacaca courts, the Senior Advisor with Human Rights Watch's Africa division and expert on Rwanda provided the following information in a 24 May 2007 interview with the Research Directorate:

The authorities and survivors associations have frequently assumed or even stated that all attacks on survivors are related to either a continuation of anti-Tutsi, genocidal feeling or to a fear of testimony that such persons could give in trials related to genocide (either in conventional court or in the popular justice jurisdictions known as gacaca). This grossly oversimplifies the situation. Survivors can also be involved in family, land-related, or business-related conflicts that could prompt someone to seek to harm them. But given the ethnic prism through which everything is viewed in Rwanda, many survivors and authorities ignore these complexities and ascribe any attack on a survivor as necessarily and solely related to the genocide or justice for the genocide.

The effect of this focus on an exclusive reliance on genocide as reason for wishing harm to survivors is to heighten tensions between Hutu and Tutsi—to increase Hutu resentment that they are always blamed without regard to the actual facts of the case and to further isolate the survivors, setting them apart from ordinary Rwandans.

What is a source of very serious concern is that Rwanda has adopted a policy of collective responsibility for attacks on survivors, and this is publicly acknowledged though not enacted by law so far as I know. The head of the Gacaca tribunals, who is a senior government official, acknowledged that the decision to use collective responsibility was taken at the end of December 2006 and all persons in the immediate geographical vicinity are held responsible if there is an attack on a genocide survivor. In one case, a survivor owned a valuable pure-bred cow, and the cow died. Everyone in the area was obliged to contribute a total of USD \$2000, which is an enormous sum in Rwanda. In another case, during a land dispute between two genocide survivor women, one woman's fields were vandalized. The community was called together and the police arrived and put all of the Hutu men on the ground and beat them up, despite the fact that the fields could have actually been vandalized by another Tutsi survivor. There was a list made of everyone in the cellule [administrative district] and everyone was to pay 500 francs. When I was shown the list, I asked whether there were Tutsi survivors on the list, and I was told that yes, they were listed, but that of course they won't pay.

This practice of collective responsibility has resulted in an increase in ethnic tension and anger on both sides (HRW 24 May 2007)

A journalist writing for the Belgian newspaper *Le Soir* who specializes in the Great Lakes region of Africa informed the Research Directorate in a 24 May 2007 telephone interview that she had heard of cases where false or less credible genocide accusations were lodged against persons of Hutu ethnicity. The journalist

explained that five witnesses are needed in order to bring someone before a gacaca trial, and she had heard that in some cases, five individuals would collaborate to lodge false charges (*Le Soir* 24 May 2007). HRW notes that in an "exceptional" case in 2005, a local administrator compelled a Tutsi man to lodge false genocide accusations against another person (HRW Jan. 2007).

Reprisal killings against persons of Hutu ethnicity

HRW has documented cases of so-called "reprisal killings" where Tutsi survivors of the genocide retaliate against persons of Hutu ethnicity (HRW 19 Jan. 2007, 1). In East province, the November 2006 murder of a genocide survivor, the nephew of a gacaca judge, prompted other genocide survivors to retaliate by killing "at least" eight individuals (*ibid.*; AI 2007; see also US 6 Mar. 2007, Sec. 1.d), including children and injuring others as well as looting and burning houses in the vicinity (HRW 19 Jan. 2007, 4-5). Those who were killed in retaliation reportedly had no connection to the death of the genocide survivor (*ibid.*). Police were reportedly "less thorough" in their pursuit of the reprisal killers than they were in pursuing the person who killed the genocide survivor (*ibid.*, 2). A "small military detachment" was, however, sent to restore order to the village where the reprisal killings had taken place, and this seemed to have reassured inhabitants (*ibid.*, 6).

Also in November 2006, the president of a gacaca jurisdiction was killed because he had refused to drop genocide-related charges against an individual (*ibid.*, 7; see also US 6 Mar. 2007 Sec.1.d). Police reportedly conducted the immediate arrest of three men, who were subsequently killed in police custody (*ibid.*, 7). Witnesses reported to HRW that the men had been extrajudicially executed by police on a little-used road (*ibid.*, 7-8). The effect of these reprisal killings conducted by genocide survivors and the apparent lack of impartial justice has served to "reinforce Hutu fears that they may not receive justice when crimes are committed against them and even that they may be accused of and punished for crimes they have not committed" (HRW 19 Jan. 2007, 13).

Government opponents who are of Hutu ethnicity

The Senior Advisor with HRW's Africa division noted, with respect to perceived or actual government opponents, that

[t]he government may just keep close track of these people, but if the government became convinced that the person might speak out forcefully and publicly against the government or might flee the country, the government might arrest the person.

Generally speaking, if you are Hutu and the government identifies you as an opponent, you would be accused of genocidal acts in 1994 or of such crimes as negationism, minimizing the genocide, or having a genocidal ideology at the present time. (HRW 24 May 2007)

The UNHCR also notes that government opponents who are of Hutu ethnicity risk being falsely accused of being "revisionist" about the genocide or "divisionist" about Rwanda's ethnic groups (UN Jan. 2004, 11). They also risk being accused of having participated actively in the genocide as *génocidaires* [a person who participates in genocide] or *interahamwe* (militia who participated in the genocide) (AI 1999), or risk facing corruption charges (UN Jan. 2004, 11). The Senior Advisor with HRW's Africa division adds the following in relation to government opponents, both Hutu and Tutsi, who are charged with crimes:

The difficulty here is that the person could actually be guilty of the charges. Many persons were involved in the genocide or are currently involved in corruption but have not been charged with those crimes. If such a person is then charged after having expressed dissent against the government, this may be a case of selective prosecution, undertaken to punish the person for holding or having expressed his

or her political views rather than to enforce the law.

The trumped-up nature of the charges sometimes becomes clear only later (sometimes months or even years later) when the accused is released without trial and the charges are simply dropped. (HRW 24 May 2007)

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

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Additional Sources Consulted

Internet sites, including: British Broadcasting Corporation (BBC); European Country of Origin Information Network (ecoi.net); Fédération internationale des ligues des droits de l'homme (FIDH); Fonds national pour l'assistance aux rescapés du génocide (FARG); Ibuka; International Crisis Group (ICG); Ligue des droits de la

personne dans la région des Grands Lacs (LDGL); Office of the UN High Commissioner for Human Rights (OHCHR); Reliefweb; Rwanda, National Human Rights Commission; United Nations (UN) Integrated Regional Information Networks (IRIN).

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