



PRESS RELEASE

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Fahamu Mounts Petition Drive, Releases Report Opposing Cessation of Protection for Rwandan Refugees

Fahamu Refugee Programme has mounted a campaign to oppose States and UNHCR withdrawing the protection of the 1951 Convention relating to the Status of Refugees from tens of thousands of Rwandan refugees currently in exile. “These are not people escaping retribution from the 1994 genocide,” said Director Dr. Barbara Harrell-Bond OBE. “They are those who have been fleeing Rwanda since, some quite recently, including large numbers of *genocide survivors*, who were never refugees before, as well as government officials and army officers, because of instability, ethnic strife, arbitrary judicial procedures, indiscriminate retaliation, political violence, intolerance of dissent, impunity, and lack of accountability.”

Fahamu has been gathering the endorsements of hundreds of individuals and organizations in Africa and around the world to a [petition](#) opposing exercise of the Convention’s “cessation clause,” and will present the statement and advocate for them at the upcoming meeting of the UNHCR’s Executive Committee October 3-7, in Geneva. Today, Fahamu released a [Memorandum of Fact and Law](#) compiling devastating conclusions from major human rights organizations such as Amnesty International and Human Rights Watch on the general human rights situation in Rwanda, dozens of specific recent examples of persecution of various targeted groups in the Country, the stringent requirements of international law for cessation, and compelling personal testimonies of several Rwandan refugees and their protectors.

Cessation is a drastic measure that would strip refugees of their legal rights and expose them to forcible repatriation and the risk of persecution. It can also split up families and break economic and social ties of years’ duration and put those whose ‘political opinion’ differs from that of their government at serious risk. It should therefore only be invoked rarely and with extreme caution when there has been 1) a *fundamental and profound* change in country conditions such that they no longer have a well-founded fear of persecution, 2) the change is demonstrably *enduring* and not merely transitory, and 3) the change enables refugees to enjoy the *protection* of the government.

Rwanda has made much progress since the genocide but it did not do so through reliable constitutional, democratic, and peaceful means. It remains a fragile, volatile, authoritarian regime with little tolerance for dissent, freedom of speech, or independent human rights observation, reporting, or advocacy. Social and political fissures remain unresolved and the Government of Rwanda maintains an overtly hostile attitude toward its citizens who have fled. Positive changes need time to consolidate and genuine national reconciliation remains untested.

Now, as both Amnesty International and Human Rights Watch have warned, is not the time to revoke protection from Rwandan refugees.

www.fahamu.org www.pambazuka.org

UK office: 2nd floor, 51 Cornmarket Street, Oxford OX1 3HA, UK

Tel: +44 (0)1865 727006 Fax: +44 (0)1865 727909 Email: info@fahamu.org

Company limited by guarantee 4241054; Fahamu Trust registered charity number 1100304

Fahamu Kenya, PO Box 47158, 00100 Nairobi, Kenya

Tel: +254 (0)20 374 9346 Fax: +254 (0)20 374 9347 Email: infokenya@fahamu.org;

Fahamu Ltd registered in Kenya F15/2006

Fahamu SA Trust, c/o 27A Esher St, Claremont, 7708, Cape Town, South Africa

Tel: +27 21 683 1613 Email: info@fahamu.org.za; Fahamu SA Trust registered in South Africa IT 372/01

Fahamu Senegal, 9 Cité Sonatel 2, POB 25021, Dakar-Fann, Dakar, Senegal

Tel/fax: +221 867 50 65 Email: infosenegal@fahamu.org



**Recent Conclusions from Amnesty International and Human Rights Watch Experts
on the Situation of Human Rights in Rwanda**
(Full citations supplied in the [Fahamu Memo](#))

Human Rights Watch (HRW) has documented

a longstanding pattern of intimidation and harassment of human rights defenders by Rwandan officials, including threats to their security, administrative obstacles, public and personalized attacks, and allegations that they are complicit with political opponents. Several human rights organizations, once active in Rwanda, have also been silenced through infiltration by people close to the government who have taken over these groups' leadership.

Also according to HRW,

Independent civil society in Rwanda has been seriously decimated. It is one of the areas in which state intimidation, threats and infiltration have succeeded in silencing criticism. In the aftermath of the genocide, a number of independent Rwandan human rights organisations were still able to investigate and report on human rights violations, albeit at great risk. Over the subsequent years, they have been silenced one by one. In 2011, there are barely two or three active human rights organisations left in Rwanda, and even they are struggling to remain active.

According to Amnesty International,

Rwanda's vague and sweeping laws against "genocide ideology" and "divisionism" under "sectarianism" laws criminalize speech protected by international conventions and contravene Rwanda's regional and international human rights obligations and commitments to freedom of expression. The vague wording of the laws is deliberately exploited to violate human rights. ...

These broad and ill-defined laws have created a vague legal framework which is misused to criminalize criticism of the government and legitimate dissent. This has included suppressing calls for the prosecution of war crimes committed by the Rwandan Patriotic Front (RPF). In the run-up to the 2010 elections, legitimate political dissent was conflated with "genocide ideology", compromising the freedom of expression and association of opposition politicians, human rights defenders and journalists critical of the government.

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Also according to HRW,

Freedom of expression, more broadly, continues to be severely restricted in Rwanda. A variety of laws have been used to prosecute critics -- in particular, a law on "genocide ideology" adopted in 2008. Ill-defined, vague and open to abuse, this law has been used, among other things, to target critics of the government or of the RPF. [c] Critics have also been charged with other serious offences such as endangering national security. ...

[T]he media environment in Rwanda is still extremely restrictive. Two journalists are in prison after being sentenced in 2011 to 17 and 7 years respectively for writing articles which were viewed as critical of the government and the president; several other independent journalists have gone into exile; and most others are afraid of investigating sensitive issues. Almost all active media outlets in Rwanda are now either controlled by the government or compliant with its directives.

Anneke Van Woudenberg, an HRW authority on the Great Lakes region, declared in 2010 that

any attempt to present the information contained in [the UNHCR-commissioned draft report by Robert Gersony detailing horrific atrocities by Rwandan government affiliated forces in the Democratic Republic of Congo] has been blocked, subverted, or really discouraged. The report starkly shows the consequences of a culture of impunity. You see the same crimes being committed again and again. And we're continuing to document those same abuses today. This is the kind of horrific cycle you get when you bury the truth, when you don't hold perpetrators to account.

Also according to Amnesty International,

The mandate of the International Criminal Tribunal for Rwanda (ICTR) was extended until the end of 2011 for first-instance trials and to the end of 2012 for appeals. Ten suspects subject to arrest warrants by the ICTR remained at large. The ICTR Prosecutor made new applications in November to transfer cases to Rwanda. Past applications failed after Trial Chambers decided that the accused would not receive fair trials.

Judicial proceedings against genocide suspects took place in Belgium, Finland, Netherlands, Spain, Switzerland, and the USA. Sweden consented to extradition in 2009, but the case has yet to be decided before the European Court of Human Rights. No country extradited genocide suspects to Rwanda due to fair trial concerns.

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