

**NATIONAL COMMISSION
FOR HUMAN RIGHTS**

ANNUAL REPORT
for 2005

Kigali, May 2006

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I. FOREWORD

This report for the year 2005 is the seventh since the National Commission for Human Rights was established by the Law n° 04/99 of 12th March 1999, revised by Law n° 37/2002 of 31st December 2002, giving to the Commission more powers and responsibilities as seen clearly in its third Article.

Pursuant to Article 177 of the Rwanda National Constitution of 4th June 2003, the National Commission for Human Rights is pleased to submit to the Parliament, this report containing the Commission's activities for the year 2005. In general, the report comprises four major parts. The first part deals with events that characterised Rwanda as regards civil and political human rights as well as economic, social, cultural, environmental rights and right to development. The second one concerns the achievements of the Commission during the year 2005. The third part presents the Commission's financial report whereas the fourth comprises a general conclusion, some recommendations and perspectives for the year 2006.

This report presents in general, the activities of the Commission from 1st January to 31st December 2005. These activities relate mainly to human rights violation issues followed up by the Commission, from its own initiative or after they were brought to its attention. The report also presents activities aimed at promoting human rights based mostly on sensitization, training and lectures organized for different categories of the population.

This report also includes activities regarding collaboration with Government institutions, associations or international organizations operating in Rwanda. Another kind of collaboration presented in this report is between the Commission and international organizations that invited the Commission to lectures or seminars thus bringing it in contact with Human Rights Commissions from other countries.

As regards human rights violation issues followed up by the Commission, the latter has drawn conclusions and takes this opportunity to request the Parliament to do its best to ensure that concerned authorities settle these issues through proper and lawful means.

The Commission also takes this opportunity to express gratitude to the Government of Rwanda for its continued support thus enabling the Commission to accomplish the mission entrusted to it. Thanks are also extended to different Rwandan organizations and associations, Rwanda's friend countries and international organizations that collaborated fruitfully with the Commission in the promotion and protection of Human Rights in Rwanda. Their collaboration was indeed one of the factors that led to the achievements presented in this report.

KAYITESI ZAÏNABO Sylvie
Chairperson of the Commission

1. INTRODUCTION

The National Commission for Human Rights Annual Report for the year 2005 is the second prepared in a way that presents in a special manner the activities carried out by the Commission on the basis of the mission entrusted to it by the Constitution and the Law establishing it.

Concerning human rights protection, whether in relation with civil and political rights or economic, social and cultural rights and the rights to development and environment, in the year 2005 the Commission received 792 cases altogether. Among these, 561 cases were followed up, 157 were forwarded to other competent authorities to settle them and 74 were rejected because they did not meet the requirements necessary for a case to be admitted, in accordance with the provisions of the Commission's rules and regulations regarding follow up of human rights cases. 222 cases were settled whereas 339 are still being followed up.

In this report, are also presented activities carried out by the National Commission for Human Rights in the context of monitoring Human Rights respect in Gacaca Courts and these will be of special help to the National Service in charge of the Gacaca Courts in knowing the problems existing in the activities of these courts and finding prompt solution.

The report also presents the Commission's activities regarding human rights respect in the cells and prisons within Rwanda. Altogether the Commission visited 150 cells and 17 prisons, advised their respective wardens as to how the problems it found there in could be solved and it hopes that the higher authorities responsible for these wardens of cells and prisons will help them find solutions without delay.

The Annual Report for 2005 also presents the Commission's actions with regard to human rights promotion through training and lectures organised for different categories of people. It contains also activities aimed at institutional development, such as training sessions organised for the Commissioners and personnel in order to help them improve their knowledge and thus better carry out their duties.

In addition, the National Commission for Human Rights presents a financial report on expenditure of the funds allotted to it from the Government budget and the endowments it received from the donors the Commissioner usually collaborates with in its different programmes.

The Commission's annual report for the year 2005 ends with conclusions and recommendations to different authorities as well as prospects for the year 2006. The Commission takes this opportunity to request that, after looking into these conclusions and recommendations, the Parliament makes them its own so as to help the Commission in exhorting the concerned authorities to give them due consideration.

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II. EVENTS THAT CHARACTERISED RWANDA REGARDING PROMOTION AND PROTECTION OF HUMAN RIGHTS IN THEIR DIFFERENT FACETS.

2.1. CIVIL AND POLITICAL RIGHTS.

Regarding the legal system, the year 2005 was characterised by revision of some of Rwandan internal laws. Such laws are those relating to good governance and decentralization, restructuring the judiciary, local government elections and Rwandan citizenship. Rwanda also ratified some of the international conventions relating to human rights.

- **The Organic Law n° 29/2005 of 23rd December 2005 determining the administrative entities of the Republic of Rwanda.**

The Organic Law n° 29/2005 of 23rd December 2005 determining the administrative entities of the Republic of Rwanda was enacted (Official Gazette of the Republic of Rwanda, Special Number of 23rd December 2005), aiming especially to lay emphasis on the decentralization policy. In this context, new boundaries were fixed delimiting sectors, districts and provinces.

This law is aimed at emphasizing the citizen's right to play a role in the country's governance, putting in place transparent leadership that gives importance to the citizen's benefits and helps him in self advancement.

- **The judicial reform.**

After the review of the Constitution, giving new appellations and fixing new boundaries for the courts and public prosecution at district and sector levels, it was necessary that all the laws presenting former appellations and boundaries be revised to comply with the provisions of the Constitution.

- **Drafting of Bills:**

- Organic Law n° 01/2004 of 29th April 2004 establishing the organisation, functioning and power of the Supreme Court;
- Organic Law n° 07/2004 of 25th April 2004 determining the organisation, functioning and jurisdiction of courts;
- Law n° 06 bis/2004 of 14th April 2004 on the statutes for judges and other judicial personnel;
- Organic Law modifying and supplementing the Organic Law n° 02/2004 of 20th March 2004 determining the organisation, powers and functioning of the Superior Council of the Judiciary;
- Organic Law n° 03/2004 of 20th March 2004 determining the organisation, powers and functioning of the prosecution service.

The Enacted laws are as follows:

- The Organic Law n°10/2005 of 28th July 2005 modifying and supplementing the Law n° 01/2004 of 29th January 2004 establishing the organisation, functioning and jurisdiction of the Supreme Court. The Commission recalls to mind that the smooth running of the Supreme Court facilitates human rights respect in the country for it is the actual guardian of these rights.
- The Law modifying and supplementing the Law n° 06 bis/2004 of 14th April 2004 governing judges and court personnel (Official Gazette n° 07/2005 of 16th June 2005). This Law emphasizes the autonomy and freedom of the judiciary which play a role in ensuring that justice is done among Rwandan citizens.
- **The Law governing elections of local government leaders.**

In the context of implementing the decentralisation policy and emphasizing the role of the citizens in electing their leaders, it was necessary to establish a law governing elections of local government leaders with the aim of integrating into one law the articles of all laws relating to elections of local government leaders as modified and supplemented to date; adding some other ideas that adapt this law to the Constitution and other laws.

- **Other different laws were enacted as follows:**

- The Organic Law n° 29/2004 of 3rd December 2004 on Rwandan nationality code was published in the Official Gazette n° 1 of 1st January 2005. This Organic Law confirms the right of a foreign wife or husband to take on the nationality of his or her Rwandan spouse;
- The Presidential Order n° 10/01 of 7th March 2005 determining the modalities of implementation of community service as alternative penalty to imprisonment (Official Gazette of the Republic of Rwanda n° 6 of 15th March 2005).

In the year 2005, the bill establishing and determining organization of the National Prisons Service in Rwanda was examined by the National Security Commission of the Chamber of Deputies within the National Assembly. In its report, the National Commission for Human Rights has actually been requesting that there be established a law governing prisons to solve problems relating to the rights of prisoners.

- **Respect for International Conventions.**

Concerning the respect for the obligation the Human Rights International Conventions duly ratified by Rwanda in 2005, the following orders were passed :

- Presidential Order on the approval and ratification of the African Nuclear-Weapon-Free Zone Treaty (Official Gazette of the Republic of Rwanda n° 6 of 15th March 2005);

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- Prime Minister's Order establishing the National Authority for the implementation of the Convention on the prohibition of the development, production, stockpiling and the use of chemical weapons and on their destruction (Official Gazette of the Republic of Rwanda n° 18/03 of 10th June 2005)

Rwanda also ratified some of the International Conventions by the decision of the Cabinet of 26th October 2005. These Conventions are the following;

- Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery;
- The Convention of 28th September 1954 relating to the Status of Stateless Persons;
- The Convention of 30th August 1961 on the Reduction of Statelessness;
- The Bamako Convention of 30th January 1991 interdicting dumping poisonous wastes into Africa and aimed at monitoring transportation of these wastes and how transportation in Africa could be better controlled;

Enacted also was the Law n° 30/2004 of 27th December 2004 approving ratification of the Convention establishing the Great Lakes Initiative on AIDS (GLIA) (Official Gazette of the Republic of Rwanda of 25th January 2005).

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2.2. ECONOMIC, SOCIAL AND CULTURAL RIGHTS AND RIGHTS TO DEVELOPMENT AND ENVIRONMENT.

In the year 2005, there were passed laws and orders aimed at protecting human rights in different fields.

2.2.1. Employment, labour and social rights.

The following laws were passed:

- **Law establishing the military centre for security against diseases and governing its composition and functioning;**
- Order n° 1/19.18/2005 of 20th July 2005 of the Minister of Public Service, Skills Development and Labour and determining elections of Workers Representatives and their functions (Official Gazette of the Republic of Rwanda n° 21bis of 1st November 2005).

2.2.2. Right to Health.

In the year 2005, People's sensitisation campaign to promote Mutual Health Insurance was carried forward. By the end of the year 2004, 2,101,034 people (27% of Rwandan population) had joined this programme, whereas towards the end of 2005 this number had risen to 3.473.026 (44.1%)¹

Regarding the campaign against HIV AIDS, efforts continued to mobilize Rwandan citizens to take tests for this epidemic; people living with HIV/AIDS were sensitized to form associations so as to put efforts together for self advancement through, income generating activities and to facilitate their access to medicines.

On 31st December 2005, a total of eight hundred (800) such associations had been formed and grouped themselves into the Forum of the Associations of persons with HIV/AIDS (RRP+). People living with HIV/AIDS continued to respond positively, receiving Anti-Retrovirals (ARV). By 31st November 2005, there were 83 centres distributing ARV. These centres had already distributed ARV to 19,558 people, whereas by October 2004 there were only such centres which had distributed ARV to 8,555 people. Among those receiving these drugs 60% are women and 10% are children².

2.2.3. Right to Education

All Rwandans have the right to access to Primary Education and this education should be free. In the year 2005 the number of children in Primary schools rose from 1,752,588 to 1,857,481. The number of schools rose from 2,262 to 2,295; and the number of qualified teachers and their leaders rose from 27,319 to 28,254. The number of pupils who proceeded to secondary education rose from

¹ Statistics from the Mutual Health Insurance Division, Ministry of Health, 2005.

² <http://www.tracrwanda.org.rw>

203,551 to 218,517; the number of those who were admitted to tertiary education institutions rose from 21,887 to 26,796³.

With regard to gender balance in the area of education, the number of girl pupils in primary schools rose from 825,978 (50,5%) in 2004 to 890,432(50.9%°) in 2005; the number of girls in secondary schools rose from 97,011(47.6%) in 2004 to 103,167 (50,6%) in 2005 whereas the number of women students in tertiary education institutions increased from 39,1% in 2004 to 40,2% in 2005⁴.

2.2.4 Gender equality and family promotion.

In the year 2005, programmes to prevent and fight against gender based violence continued, especially with regard to violence against women and children. Different administrative authorities encouraged women to continue coming forward and campaign for decision making positions, especially at grass root level, and to join development boosting cooperatives.

2.2.5 Environment protection.

An Organic Law determining the modalities of Protection, Conservation and Promotion of Environment in Rwanda (Official Gazette n° 9 of 1st May 2005) was set up.

2.2.6 Right to property.

There were enacted :

- The Law n° 27/2004 of 3rd December 2004 relating to management of abandoned property which came into force on 25th January 2005 (Official Gazette of the Republic of Rwanda, special number of 25th January 2005). The second paragraph of Article 11 of this law provides that if the owners of the property show proof that the property belongs to them, the property shall be returned to them without conditions.
- The Organic Law determining the use and management of land in Rwanda (Official Gazette n° 18 of 15th September 2005). Article 4 of this Organic Law gives the citizen the right on land and to freely exploit it.

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³ Statistics in primary, secondary and tertiary education institutions for the year 2005.

⁴ Statistics in primary, secondary and tertiary education institutions for the year 2005.

III. MAIN ACHIEVEMENTS OF THE COMMISSION FOR THE YEAR 2005.

In this report, the Commission presents the activities based on the mandate entrusted to it by Article 177 of the Constitution of 4th June 2003 and the Law n° 37/2002 of 31st December 2002 modifying and supplementing the Law n° 04/99 of 12th March 1999 establishing the National Commission for Human Rights.

3.1. SENSITIZING AND TRAINING ALL CATEGORIES OF RWANDAN POPULATION ON HUMAN RIGHTS (Article 3 [a]).

Concerning human rights promotion, in the year 2005, the National Commission for Human Rights drew special attention on activities relating to sensitization and training of different categories of Rwandan population on human rights.

3.1.1. Sensitization of the Rwandan Population on Human Rights.

In the year 2005, the activities of the Commission regarding sensitization of the Rwandan population on human rights concerned mainly various lectures. These lectures were broadcasted on Rwanda Radio as well as private radios and published in newspapers. Lectures were also organized for different categories of people on human rights issues.

3.1.1.1. Lectures organised for different categories of people.

Lectures and sensitization sessions on human rights were organised for the following categories:

- Teachers and students;
- Students preparing to join tertiary education institutions;
- Members of Associations;
- Ex-prisoners released following the Presidential Communiqué of 1st January 2003;
- Security Authorities (the Police and Local Defence Forces);
- Different leaders at provincial level;
- People who abandoned infiltrators;
- Prisoners.

A. Teachers and Students

The child should be prepared from early age to respect and protect human rights. For this reason, in the year 2005, the Commission conducted for secondary school students and teachers, lectures and sensitisation sessions on human rights issues.

The table below shows Secondary schools in which the Commission gave lectures during the year 2005, either on invitation or from its own initiative.

PROVINCE	SECONDARY SCHOOLS	NUMBER OF PARTICIPANTS
GITARAMA	Ruhango Secondary School	600
	“Collège de Bethel-APARUDE”	850
	INDANGABUREZI Secondary School in Ruhango	1050
	Gitarama Technical School (E.T.O. Gitarama)	416
	“Notre Dame de Lourdes” Secondary School in Byimana	350
KIGALI NGALI	Nyamata High School: Here, lectures were given to secondary school students sponsored by the branch of “Compassion Internationale”, by the name of “Cluster” Bugesera.	391
TOTAL		3.657

The main topics of these lectures were the following:

- Introductory lecture on human rights;
- The rights and protection of the child against violence as provided by the Law n° 27/2001 of 28th April 2001 and the Convention on the rights of the child.

B. Students preparing to join tertiary education institutions.

In the context of collaboration with the Commission of Unity and Reconciliation, the National Commission for Human Rights gave lectures on human rights in Rwanda in Solidarity Camps for students who were preparing to join Universities and other Institutions of higher learning.

- On 20th October 2005, at Nkumba in the former Ruhengeri Province, 520 students attended the lecture;
- On 12th December 2005, at Nkumba in the former Ruhengeri Province, 958 students attended the lecture;
- On 14th December 2005, on ISAE Campus, Busogo, in the former Ruhengeri Province, 1,057 students attended the lecture.

C. Members of Associations.

On the invitation of the Management of the Lutheran World Church Federation (LWF), the Commission organised lectures for members of different women Associations in the former Umutara Province.

The table below shows how these lectures were organised:

DATE	VENUE	NUMBER OF PARTICIPANTS
27/6/2005	Multipurpose hall of the former Gabiro District	27
28/6/2005	Campus of Matimba Secondary School in the former Bugaragara District	28
30/6/2005	Multipurpose Hall of the former Kabare District	23
30/6/2005	Multipurpose hall of the former Rwempasha Sector	14
TOTAL		122

These conferences were mainly on the following themes:

- Women's rights;
- Modalities of prevention and settlement of disputes.

D. The Second Cohort of ex-prisoners released following the Presidential Communiqué of 1st January 2003.

In August 2005, on the invitation of the Commission for Unity and Reconciliation, the National Commission for Human Rights gave lectures to a total of 15,198 people in all the provinces of the

country, who were in solidarity camps organised for ex-prisoners released following the Presidential Communiqué of 1st January 2003.

The table below shows how these lectures were given :

DATE	VENUE	BENEFICIARIES
16/8/2005	ACEJ Karama Secondary School	958
23/8/2005	EPECAS Muyunzwe	1,150
15 and 18/8/2005	Bulinga Secondary School	720
15 and 16/8/2005	Nsheke Secondary School	140
15 and 18/8/2005	E.T.O. Kicukiro	372
16/8/2005	E.A.V. Ntendezi	1,650
15 and 18/8/1005	Esapana Ngoma	984
	Birambo Secondary School	801
	Bicumbi T.T.C.	1,495
	Mbuga T.T.C.	531
	Inyemeramihigo College	734
15-19/8/2005	Secondary Schools in the former Butare Province	844
15-18-19/8/2005	"Christ-King" College	855
18-19/8/2005	Saint Kizito Secondary School (at Save)	957
15-18-19/8/2005	Save Teacher's College	720
18-19/8/2005	Multipurpose hall of the former Ruhengeri Province	341
18/8/2005	Nyamirama Secondary School	517
22/8/2005	Rusumo High School	800
23/8/2005	E.T.O. Kibungo	500
17/8/2005	"Groupe Scolaire de la Salle"	129
TOTAL		15.198

Lectures were given on the following themes :

- Discrimination, Genocide and laws punishing them;
- Human Rights and Justice;
- The Rights of the Child and the Woman.

E. Different leaders at province level.

In preparation for the celebration of the International Day for Human Rights that takes place annually on 10th December, the Commission organized various Consultative Conferences in different provinces in the country. Participants to these conferences were leaders of different categories: District

Executive Committee members, sector coordinators, religious representatives, school Directors and Headmasters and representatives of Non Governmental Organizations.

The Themes of the conferences were the following :

- The role of good governance in human rights respect;
- Freedom of expression;
- Domestic violences : violence against children and women.

Participation to these lectures was as follows:

Date	Province ⁵	Number of Participants
6/12/2005	Butare	106
6/12/2005	Gitarama	50
5/12/2005	Cyangugu	84
5/12/2005	Kibuye	101
5/12/2005	Gisenyi	135
7/12/2005	Ruhengeri	197
5/12/2005	Byumba	150
5/12/2005	Kibungo	89
5/12/2005	Umutara	60

F. Security Authorities.

• The Police.

On the invitation of the National Police, on 20th September 2005, the Commission organized a Consultative Conference on Human Rights, which took place at the National Police College at Gishari. 800 finalist trainees in this College attended the Conference.

The Conference centred on two themes namely: Knowing the National Commission for Human Rights, its responsibilities and the Fundamental Principles of Human Rights.

• The Local Defence Forces.

In the context of providing more skills to some of the security authorities, the Commission gave lectures in the solidarity camp that brought together 300 members of the Local Defence Forces, organized on the campus of Nyagaseyi Secondary School in Gikongoro Town.

The main themes of the lectures were :

- The Fundamental Principles of human rights;
- The rights of the Child, violation of his rights and violation of rights on gender basis.

⁵ At the time of preparing this report, the boundaries of the provinces changed, their number reduced and their appellation also changed.

G. People who abandoned infiltrators.

In the year 2005, on the invitation of the Rwanda Demobilization and Reintegration Commission, the National Commission for Human Rights held conferences for different categories of people who abandoned infiltrators. The Conferences were held at Mutobo, Musanze District, in the Northern Province.

The lectures and the number of beneficiaries are shown in the table below :

Date	Lecture	Number of beneficiaries
5/1/2005	Convention on the Prevention and Punishment of the Crime of Genocide and the crimes against humanity; Rwandan Laws punishing these crimes.	92
15/1/2005	International Laws on the Elimination of All Forms of Discrimination.	112
10/2/2005	Convention on the Prevention and Punishment of the Crime of Genocide and the crimes against humanity; Rwandan Laws punishing these crimes.	118
29/3/2005	Fundamental Principles of Human Rights.	102
11/4/2005	Convention on the Prevention and Punishment of the Crime of Genocide and the crimes against humanity; Rwandan Laws punishing these crimes.	102
22/4/2005	International Laws on the Elimination of All Forms of Discrimination.	70
10/6/2005	Nationality Code	100
17/6/2005	Causes of Genocide in Rwanda	89
20/6/2005	Fundamental Principles of Human Rights	111
30/6/2005	Convention on the Prevention and Punishment of the Crime of Genocide and the crimes against humanity; Rwandan Laws punishing these crimes.	120
19/7/2005	International Laws on the Elimination of All Forms of Discrimination.	105
7/9/2005	Nationality Code	96
15/9/2005	Fundamental Principles of Human Rights.	65
26/9/2005	Convention on the Prevention and Punishment of the Crime of Genocide and the crimes against humanity; Rwandan Laws punishing these crimes.	156
11/10/2005	International Laws on the Elimination of All Forms of Discrimination.	116
TOTAL		1,554

H. Judges and Prosecutors.

On 19th June, at Nyanza, in the Training and Justice Promotion Centre, 14 prosecutors undergoing refresher courses were given lectures on human rights.

These lectures were centred on the following themes :

- The Fundamental Principles of Human Rights;
- Human rights respect in the proceedings of criminal cases.

On 28th June 2005, at Rwamagana in the AVEGA AGAHOZO Centre, lectures were delivered during a seminar organized for 63 Judges. These lectures related mainly to the following topics:

- The Fundamental Principles of Human Rights;
- The role of a Judge and his duties in ensuring human rights respect.

I. Prisoners.

On 10th June 2005, 3800 detainees in the Gisovu Prison were sensitized on human rights regarding the following themes :

- The mission of the National Commission for Human Rights;
- The Fundamental Principles of Human Rights;
- Human Rights in the courts.

3.1.1.2. National level Consultative meetings on Human Rights.

On 9th December 2005, at the Parliament Building was held a National Conference on human rights, organized by the National Commission for Human Rights. This Conference was held just a day before the celebration of the Annual Day for the International Declaration on Human Rights. The purpose of this Conference which was the first of its kind ever since the Commission was established, was to discuss the situation and respect for human rights in Rwanda and to examine together what strategies could be adopted so as to ensure further respect and promotion of human rights.

This Conference was officially opened by the Honourable President of the Chamber of Deputies within the Parliament, on behalf of His Excellency the President of the Republic. Present also at the Conference were the Minister of Justice, the United Nations Development Programme Representative in Rwanda, the United Nations International Children's Education Fund Representative in Rwanda, Honourable Members of Parliament, representatives of the National Police in the Provinces, Ambassadors to Rwanda and Representatives of International Organizations, Representatives of Government Institutions and Non-Governmental Organizations, Provincial Governors, District and Town Mayors.

The themes of the Conference were as follows :

- International mechanisms of protecting human rights;
- Domestication of International Conventions duly signed and ratified by Rwanda;
- Human Rights respect in Rwanda;
- The role of good governance with regard to Human Rights respect.

Towards the end of the Conference, the participants formulated the following major recommendations:

- Fighting poverty and ignorance which appear to be serious obstacles as regards human rights respect;
- Every leader should be characterized by a conduct reinforcing the policy of good governance adopted by our country and protecting the rights of those under his leadership;
- Rwanda should ratify all International Conventions protecting human rights, in accordance with international procedures with regard to signing and ratifying international conventions.
- A Conference like this, which was taking place for the first time, should be organised once every two years, for human rights are the basis for activities that promote the citizens' welfare;
- Another recommendation was that the National Commission for Human Rights should continue organizing such meetings for Rwandans, so as to enable them feel more at liberty and play a part in the programmes aimed at protecting and promoting human rights.

3.1.1.3. Programmes broadcasted on different radios.

For further sensitization of Rwandans on human rights, the Commission organised discussions on different themes in its programme “*Uburenganzira iwacu*” (Rights at our home), broadcasted on Radio Rwanda every Friday, from a half past six to seven o'clock, in the evening. The Commission also broadcasted programmes over private radios operating in Rwanda .

A. On Radio Rwanda.

Through the programme “*Uburenganzira iwacu*” (Rights at our home), in the year 2005, the Commission broadcasted on Radio Rwanda the following programmes:

- A summary of the programmes broadcasted during the year 2004;
- The step made in the protection and promotion of the rights of the child;
- The rights of the woman and the child: views expressed by some of those who attended the Commission's training sessions and seminars on human rights, grouped into “Imbaraga” Association, particularly with regard to the Law on the rights of the child and the Law governing matrimonial regimes, liberalities and successions;
- Human rights in Gacaca proceedings, both on the part of the plaintiff and that of the defendant;
- The respective roles of the leaders and those they lead in reinforcing human rights;
- On Conventions on the Prevention and Punishment of the Crime of Genocide and other Crimes against Humanity;
- Let us combat racism, for it is the root of genocide and source of poverty;
- On observing International Day to combat racism;
- The basis and fundamental principles of human rights;

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- Freedom of the Press in Rwanda;
 - The role of culture in human rights protection;
 - The Rights of orphans living alone in the families;
 - The role of education in promoting human rights;
 - Provisions of the revised Law establishing the Commission;
 - Activities included in the Commission's annual report for 2004;
 - International Conventions and Rwanda's internal laws on the punishment of the crime of genocide, discrimination and sectarianism;
 - The rights and duties of the citizen as provided in the Constitution of the Republic of Rwanda;
 - Human Rights situation in Gitarama Province;
 - Human Rights situation in Umutara Province;
 - Human Rights situation in Kibuye Province;
 - Human Rights situation in Kigali Ngali Province;
 - Human Rights situation in Cyangugu Province;
 - Human Rights situation in Kigali City;
 - The mission and activities of the Commission's project in charge of monitoring the activities of Gacaca Courts.

B. On Private Radios.

On 20th March 2005, the Commission organised a programme relating to the International Day for Combating Racism celebrated annually on 21st March. This programme passed through "Radio 10" and "Radio Flash", and the public was invited to ask questions and give views.

In October and December 2005, the National Commission for Human Rights organised programmes on Rwanda Radio and the following private radios: "Contact FM", "Radio Flash FM" and "Radio Mariya Rwanda". These programmes concerned mainly the following themes:

- Receiving and follow up of cases from individuals;
- The Fundamental Rights and Duties of every person;
- The rights of the women and of the children;
- Monitoring Human Rights: in prisons, cells and elsewhere;
- Discrimination.

3.1.1.4. Human Rights Popularization Activities.

In the year 2005, four articles were published in different newspapers. These articles related mainly to certain annual days concerning human rights. The articles bore the following titles:

- Racial discrimination, its effects and activities for its prevention and elimination;
- The National Commission for Human Rights in the protection and promotion of human rights;
- Those with disability have the same rights as everybody else;
- Genocide is an extreme crime in violating human rights.

Other human rights popularization activities of the Commission included dissemination of different messages through its calendar for the year 2005.

3.1.1.5. Annual Days Commemoration Activities.

In collaboration with other concerned institutions, the Commission participated in the commemoration of annual days regarding human rights. At different times, the Commission gave special messages sensitizing the Rwandan population on the kind of human rights involved for each specific day; these messages reached the Rwandan population through the radio, banderols and newspapers. The annual days commemorated are the following :

- On 8th March 2005, the International Women's Day was commemorated at national level in Kigali City;
- On 21st March 2005, the International Day to Combat Racism was commemorated;
- On 1st May 2005, the Worker's Day was commemorated;
- On 16th June 2005, was the commemoration of the African Child Day;
- On 9th December 2005, was commemorated the International Day for combating genocide;
- On 10th December 2005, was the commemoration of the Universal Declaration on Human Rights.

In commemorating the International Day for Human Rights which takes place on 10th December, the Commission specially organised Consultative Meetings on human rights, in different provinces, bringing together leaders at different levels. These leaders included those at province, district, and sector levels, religious leaders and school headmasters as well as representatives of the National Army and the National Police.

3.1.2. Human Rights Education for Rwandan Population.

- **Members of the Sector Council.**

From 4th to 5th April 2005, in the multipurpose hall of the Gitarama Cultural Centre, the Commission organized a seminar for some Members of the Sector Council in Gitarama Province. 132 people attended.

The lectures given related mainly to the following themes:

- Knowing the National Commission for Human Rights and its responsibilities;
- The Rights and Duties of the Citizen;
- International Conventions and Rwanda's Internal Laws punishing the crime of genocide, discrimination and advocating disunity;
- The Fundamental Principles of Human Rights and International Conventions governing them;
- The rights of the child and the laws governing them;

- **Voluntary Human Rights Agents in the Sectors.**

On 25th November 2005, the National Commission for Human Rights conducted seminars for the people selected from sectors all over the country, who are engaged in human rights sensitization activities in their areas of residence.

The table below shows attendance at these seminars:

PROVINCE	ATTENDANCE
Gitarama	113
Umutara	78
Gisenyi	70
Gikongoro	109
Kigali Ngali	90
Kibuye	53
Kibungo	142
Byumba	97
Butare	118
Ruhengeri	152
Cyangugu	94
Kigali City	34
TOTAL	1,150

The lectures given concerned mainly the following topics :

- International Covenant on Civil and Political Rights of 16th December 1966;
- International Covenant on Economic, Social and Cultural Rights of 19th December 1966;
- Working relations between Human Rights Voluntary Workers and the Commission and major issues to be addressed.

3.2. GIVING, UPON REQUEST OR UPON ITS OWN INITIATIVE, ITS ADVICE ON BILLS RELATING TO HUMAN RIGHTS (Article 3 [b])

- **Advice on Bills.**

For the year 2005, the National Commission for Human Rights, upon its own initiative, examined and gave advice on the following bills :

- Bill establishing and determining the organization of the National Prisons Service;
- Draft Organic Law on General Statutes for Rwanda Public Administration.

- **Bill establishing and determining the organization of the National Prisons Service.**

Regarding the Bill establishing and determining the organization of the National Prisons Service, the Commission examined it, collected views and submitted them to the Parliament, the Chamber of Deputies, by Letter n° CRDH/0222/05 of 31st March 2005.

Some of the major issues the Commission requested the Parliament to give special consideration while examining this bill are the following :

- To add in the Preamble, articles 44, 140 and 190 of the Constitution of the Republic of Rwanda of 4th June 2003 which indicate the role of the judiciary and international conventions in the protection and respect for the rights and freedom of the people;
- To add in the part mentioned above, article 10 of the International Covenant of 16th December 1966 on Civil and Political Rights.

The said Article provides for the following :

- All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person;
- Accused person shall, save in exceptional circumstances, be segregated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons;
- Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication;
- The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation;
- The juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status.
 - To amend the following Articles of this bill relating to the situation in prisons, how it is controlled and the visits made to the prisons so as to make this law explicit such that no one will have his/her rights violated in its implementation:
- Regarding the organisation of prisons and where they should be built, the Commission finds that a Presidential Order should be the one to determine the way prisons are constructed and how they meet the conditions prescribed by international conventions so as to ensure that the human dignity of prisoners is respected, and that for all the time they are in detention they are helped to repent and prepared to live a normal life with other citizens.
- The Commission finds also that the law governing prisons in Rwanda should be the same for military and civil prisons so that the rights of all categories of prisoners are equally respected.

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- The Commission pointed out that the texts of the articles regarding visits to prisons required further amendment, so that no restrictions are included to hinder institutions like the Commission from carrying out their responsibilities entrusted to them by the Constitution and other laws as regards visiting prisons and monitoring how the detainees' rights are secured therein.
 - As for the article concerning the conditions to be met before imprisonment, the Commission pointed out that only the judiciary should make decisions to put or to retain people in prison.
 - Concerning people with cases awaiting final decision before imprisonment, the Commission thinks that they should be given a uniform with a colour different from the one for sentenced prisoners; since the principle according to which anyone whose case is yet to be decided upon is considered as innocent, should be adhered to.

The Commission followed up this bill in the Parliament's Commission in charge of Security and National Integrity which was to examine it.

- **Draft Organic Law on General Statutes for Rwanda Public Administration.**

The Commission also examined the Draft Organic Law on General Statutes for Rwanda Public Administration. It collected views and submitted them to the Parliament by the Letter n° CRDH/0536/05 of 4th October 2005.

The views given concerned mainly the following articles that should comply with the Constitution and the International Human Rights Principles :

- Concerning the Article relating to people who should have special statutes, the Commission indicated that the National Commission for Human Rights should be added to the list of those with special statutes, given its duties to examine violation of human rights committed by State organs, individuals und the cover of the State organs, organizations and individuals;
- Regarding the Article stipulating that a public worker is released from duty without dispute if he/she has been in temporary detention for more than three months, the Commission pointed out that a public employee should be dismissed from duty after he/she has been sentenced to at least six months imprisonment; so as to adhere to the principle which considers a person in temporary detention as innocent, especially as the Draft Organic Law provides for the period of temporary suspension as well as the freeze on salary after a certain period of suspension from duty;
- With respect to the Article stipulating that temporary suspension ends when the employee is not found guilty of any work-related crime punishable with expulsion from duty, the Commission indicated that in those circumstances, the employee should be compensated for all work related losses he suffered during the period of suspension.

There are other different articles for which the Commission indicated that the texts should be amended to be in line with the provisions of the Constitution of the Republic of Rwanda so that the

worker's rights are respected and that by the time the law clearly comes into force these articles will be explicit to avoid problems regarding all those concerned by it.

These articles concern the following :

- Regarding the maximum age for one to be candidate for employment in the public service, the Commission finds that the age of forty years provided in the Draft Organic Law is very low, and that instead this age should be brought to fifty, as after all the Draft Organic Law provides that if anyone wishes, he could retire at the age of fifty.
- Concerning taking an oath for workers before entering the public service, the Commission, based on Article 61 of the Constitution, finds that not every employee in the public service having well passed the test should take an oath in the public, for this Article indicates the specific workers in the public service who should take an oath before entering their service.
- With regard to the probation period and appointment, the Commission finds that the law should make provision for people who should be exempted from probation, if they are already working and have experience in the job they are applying for.
- In connection with sick leave, the part saying that the competent authority should approve sick leave not exceeding thirty days within forty-eight (48) hours from the time he received a medical certificate, the Commission finds that this Article should provide also that if the competent authority does not approve this leave, it is considered as approved, starting from the day following the end of the 48 hours period.
- Concerning reasons for suspension, the Commission thinks that the special reasons mentioned in this Article should be known. The Article should also stipulate clearly that for public service employees who are in temporary detention and are later acquitted, the period for suspension from service could exceed three months.
- Regarding giving allowances in addition to the basic salary of an employee with a Master or PhD degree who could not find a job corresponding to his degree but finds it at the level corresponding to a Bachelor's degree, the Commission finds that this would mean disparity among workers doing the same job, and would be in contradiction with the provisions of the Draft Organic Law, its part stipulating that "*Salary is payment corresponding to the work done by a civil servant. The salary is based on the work and not on the person doing it*".

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3.3.SENSITIZING GOVERNMENT INSTITUTIONS AS REGARDS RATIFICATION OF INTERNATIONAL CONVENTIONS RELATED TO HUMAN RIGHTS AND MAKING SURE THEY ARE INTEGRATED IN INTERNAL LAW (Article 3 [c])

In continuing sensitization of the Government of Rwanda as regards the ratification of International Conventions relating to Human Rights and to help everybody understand and know the importance of International Conventions, the Commission published a third booklet entitled “A List of International and Regional Conventions relating to Human Rights, signed and ratified by Rwanda”.

This booklet contains International Conventions relating to Human Rights, signed and ratified by Rwanda starting from colonial times to the time of its publication. It also shows some of the International Conventions relating to Human Rights, not yet signed nor ratified by Rwanda, so that the Institutions concerned do their best possible to have them also ratified. The booklet shows also where these International Conventions could be found, especially the Official Gazette of the Republic of Rwanda.

Another purpose of the booklet is to help the reader to understand further and know the importance of International Conventions especially those relating to Human Rights, knowing their appellations, their provisions and how to have recourse to them.

Still in the context of sensitizing Rwanda Government on ratifying International Conventions relating to Human Rights, the Commission wrote to the Minister for Foreign Affairs and Regional Cooperation, the Letter n° CDRH/338/04 of 11th November 2004, requesting him to do his best so that Rwanda ratifies the following International Conventions:

- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984;
- Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956;
- Optional Protocol to the Convention on the Elimination of Discrimination against Women, 1999;
- Convention of 28th September 1954 relating to the Status of Stateless Persons;
- Convention of 30th August 1961 on the Reduction of Statelessness;
- Employment Policy Convention, 1964 (N° 122);
- International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 1990;

In this regard, the Cabinet of 26th October 2005 decided that the following Conventions be ratified :

- Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956;
- Convention of 28th September 1954 relating to the Status of Stateless Persons;
- Convention of 30th August 1961 on the Reduction of Statelessness;

Although there is evident progress with regard to ratification of International Conventions relating to human rights, the Commission finds that Rwanda should ratify the following International Conventions as well :

- Optional Protocol to the Convention on the Elimination of Discrimination against Women, 1999;
- Employment Policy Convention, 1964 (N° 122);
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984;
- International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 1990;

3.4 FOLLOWING UP ISSUES RELATING TO HUMAN RIGHTS VIOLATION, WHETHER REPORTED TO THE COMMISSION OR KNOWN THROUGH ITS OWN INITIATIVE (Article 3 [d]).

As provided in its major mission, in the year 2005, the National Commission for Human Rights followed up different issues relating to violation of human rights. Among these are some which the Commission followed up upon its own initiative and others that it followed up on the basis of cases reported to it by the people.

Most of the cases followed up by the Commission concern unlawful arrest and detention, court decisions that are not respected, cases that are delayed and those not executed, the question of people kept in prison having served out their sentence, issues regarding respect of human rights in Gacaca Courts, cases concerning property, cases concerning violation of the rights of the child, violation of the right to health, cases regarding the right to employment.

A. Unlawful arrest and detention.

In this part are presented people who are detained in cells of the National Police for more than 72 hours provided for by Article 37, paragraph 3 of the Law n° 13/2004 of 17th May 2004 relating to the code of criminal procedure, or those without any detention warrant provided for by Article 52 of this law. There are also presented cases of people who are imprisoned without passing before the Council of Judges and those who pass before this Council but are not brought back after thirty (30) days according to Article 100 of the same law.

In this part also, are reported cases of people detained by Gacaca Courts, disregarding certain articles of the Organic Law determining the Organisation, Powers and Functioning of Gacaca Courts.

1. Detention of GATERA Jean de Dieu.

On 7th November 2004, GATERA Jean de Dieu from the former Nyacyonga Cell, Ntongwe Sector, Ntongwe District in Gitarama Province, wrote to the Commission requesting reinstatement of his rights because according to him, on 2nd September 2004, he had been detained by the Ruhango Police Station on charge of raping a young girl 11 years old, and then was released on 13th October 2004 without going to court, having spent 41 days in detention.

On 13th September 2004, DUSINGIZEYEZU Augustin and MUKANDAMUTSA Liberata, the parents of the said child, wrote to the Public Prosecutor of Gitarama Province requesting the release of GATERA Jean de Dieu because they knew their daughter had not been raped.

The Commission followed up this case in Ruhango Town and consulted the Judicial Police Officer in charge of the Districts of Ruhango, Ntenyo, Ntongwe and Kabagari, MAZIMPAKA Cyprien, who told the Commission that, according to the report from teachers at Musamo Primary School where the child is a pupil, GATERA Jean de DIEU had raped U.F⁶. He added that teachers from the school had called the police for rescue, following what the girl had just told them.

As seen in the file n° R.P.G.R. 20117/S1/04 sent to the Prosecutor's Office at Gitarama on 18th November 2004, after GATERA Jean de Dieu had been arrested and detained, the girl was taken to hospital for medical examination. The results of this examination of 8th September 2004, done at Kabgayi Hospital indicated that there was no evidence that the child had been raped. On 6th October 2004, the girl was examined again at Butare Hospital and here again the results indicated no evidence of rape.

The Commission finds that GATERA Jean de Dieu stayed 41 days in detention at the Police Station of the former Gitarama Town, and this is contrary to the third paragraph of Article 37 of the Law relating to the code of criminal procedure which stipulates that "*A statement for arrest of an accused is valid for seventy two (72) hours, which can not be extended*". Moreover, the Police should have adhered to the principle that a person is considered innocent as long he is not proved guilty. Before arresting a person, the Police must be careful and do so with tangible evidence that testifies to the crime, otherwise, some people might give false accusations against others and have them arrested and detained unjustly.

2. Detention of Pastor SIBOMANA Simon.

On 7th October 2005, NYIRANDARAGE Marie Espérance, the daughter of Pastor SIBOMANA Simon, from the former Rwishima Cell, Muganga Sector, Kayumbu District, Gitarama Province, wrote to the Commission requesting reinstatement of her father's rights, saying that he had been detained by the Gacaca Court of Kajagi Cell, Taba Sector, Komonyi District in the Southern Province. She said he had been detained unlawfully and was given no chance to defend himself regarding the charges against him of murdering five Pastors who had been killed at Remera-Rukoma School during the genocide. The said Pastors are GAFARANGA Edouard, GASENGE Cléophas, MUNYENSANGA Epaphrodite, MUNYAKARAMA Jean Marie Vianney and IYAKAREMYE Olivier who had been given asylum at Remera-Rukoma by the leadership of the Presbyterian Church of Rwanda (E.P.R) and later were killed by the then national army.

In the investigations carried out by the Commission on this case, it met different people including Pastor SIBOMANA Simon who is in detention at Gitarama Prison with charges of having been involved in the genocide of 1994, the Mayor of the former Kamonyi District, RUTSINGA Jacques, the President of the Gacaca Court of the former Taba Sector, KARUHIJE Martin, the President of the Gacaca Court of the former Kajagi Cell, HABYARIMANA Samuel, the Second Vice President of the same court, MUHORAKEYE Félicie and the Court's Second Secretary, TWAMUGABO Jean.

⁶ The Commission chose anonymity because the girl is still under age.

The investigations indicated that Pastor SIBOMANA Simon was detained on the basis of contradictory decisions of the Gacaca Court of Kajagi. The first decision charged him with the murder of the five pastors mentioned and with unlawful possession of a gun. However, the members of the Gacaca Court Seat informed the Commission that he had been detained due to disrespect for the Court Seat and refusing to give the information he knew and they said this contradiction was due to the fact that the decision was recorded hurriedly. Later, the Court Seat wrote down a second decision correcting the first and showing the real charges against Pastor SIBOMANA Simon, namely that he caused the death of the Pastors and that he was in possession of a gun.

The Commission finds that the “Persons of Integrity” (Inyangamugayo) should be careful to detain people after giving them a chance to defend themselves regarding the charges against them, in accordance with the provisions of Article 32 of the Organic Law determining the Organisation, Powers and Functioning of Gacaca Courts. Another thing found out by the Commission is that Pastor SIBOMANA Simon does not plead guilty for the charges against him.

The Commission notes that Pastor SIBOMANA Simon was not given a chance for self defence and that his detention was based on two contradictory decisions. The commission recommends therefore that, he should appear before the court without delay so that the truth could be established.

The Commission will continue to follow up this case.

3. Detention of RURANGWA Célestin and his friends.

On 1st November 2005, MWITENDE Samuel, on behalf of his friends RURANGWA Celestin, RUHUMURIZA Justin and NSENGIYUMVA Idrissa, wrote to the Commission requesting it to intervene regarding injustice done to them by the Gacaca Court of the former Ruhango Cell, Nyamagana Sector in Gitarama Province which detained them on charges that on 19th October 2005 they wanted to know the reason why information given by 54 people had not been recorded and read out for confirmation.

After its investigations, the Commission learnt that, on 25th October 2005, in an extraordinary general assembly of the Gacaca Court of Ruhango Cell, the members of the Court Seat retired and sentenced to a one year imprisonment RURANGWA Célestin, NSENGIYUMVA Idrissa, MWITENDE Samuel and RUHUMULIZA Justin, without giving them a chance to defend themselves against the charges that they cause commotion during proceedings of the Gacaca Court of Ruhango Cell. MWITENDE Samuel and RUHUMULIZA Justin were tried and sentenced in absentia and when they learnt this, they fled, whereas RURANGWA Célestin and NSENGIYUMVA Idrissa were immediately detained at the Police Station Cell, in Ruhango Town and later transferred to Gitarama Prison, on 26th October 2005.

On 28th October 2005, RURANGWA Célestin and NSENGIYUMVA Idrissa lodged an appeal against the decision of the Gacaca Court of Ruhango Cell to the Gacaca Court of Appeal of Nyamagana Sector.

At the time of preparing this report, the Commission learnt that RURANGWA Célestin and his friends were tried in the Gacaca Court of Nyamagana Sector and the court sentenced them to five months imprisonment. The said case was transferred to the Gacaca Court of Appeal of the former Gitisi Sector and the accused were found guilty of the crime of causing commotion during the proceedings of the Gacaca Court of Ruhango Cell. They were sentenced to a forty-eight hours detention together with those who had fled. RURANGWA Célestin and NSENGIYUMVA Idrissa were released immediately for they had already served their sentence.

The Commission finds that RURANGWA Célestin and his friends were denied their right to self defence regarding the charges against them and it requests the National Service charged with the Gacaca Courts to follow up closely the work of the people of integrity (“Inyangamugayo”) with a view to advising them such that the rules and regulations governing the procedure of these courts are adhered to.

4. The case of 40 people’s detention in Bicumbi District.

On 18th May 2005, the Commission learnt about the case of the unlawful arrest and detainment of 40 people who are grass root leaders. These leaders were detained by the Mayor of the former Bicumbi District, NKUNZIMANA Patrick, who was not empowered to do so. They were detained in a place which is not in a recognized cell, on charges of coming late to a meeting.

On 18th May 2005, the Commission followed up this case immediately; it met the District Mayor together with the Police Commander in the district and told them that those people were detained unlawfully, and they released them.

Although this case was settled quickly, the Commission finds that the District Mayor was wrong, and that is why on 3rd October 2005, the Commission addressed a Letter n° CRDH/0534/05 to the Minister of Local Government, Good Governance, Community Development and Social Affairs informing him of this kind of violation of human rights and requesting him to take action against the leader involved, for he was not empowered to detain people and yet they had committed no crime deserving detention.

By the time of writing this report, the Commission had not yet received any reply to the Letter n° CRDH/0534/05 written to the Minister of Local Government, Good Governance, Community Development and Social Affairs. Competent authorities should take action against such leaders.

5. The Complaint of MURAGIRA Faustin and his friends.

On 19th July 2005, when the Commission was visiting the Cell of the National Police at Kabuga, it received a complaint on the case of the detainees MURAGIRA Faustin, KAMUHANDA Etienne, KAGENZA Innocent, NDIKUMANA Emmanuel, HABYARIMANA Jean-Marie and TWAGIZIMANA Juma who had been detained on 30th May 2005, suspected of theft. After their arrest and detention, the police took their pictures and scattered them here and there in the former Kigali Ngali Province to warn the people that these were scaring thieves.

On 16th September 2005, the Commission met the Head of the Police Station of Kabuga Town and advised him to respect the principle of considering a person innocent as long as he has not been proved guilty, for these people had not been taken to court and proved guilty of the crime of theft.

Although the leadership of the Police Station of Kabuga took the advice given to it and settled the problem immediately, the Commission finds that the fact that the Police displayed in public the photographs of these people informing the public that they are scaring thieves whereas they had not been taken to court to be proved guilty, is violation of their right to be considered innocent as long as they have not been proved guilty by the court.

The Commission recalls to mind that none should be denied human dignity unjustly.

6. Detention of HABIMANA Jean Pierre.

On 12th October 2005, MUNYANEZA Ildefonse, a resident of Rukiri I Cell, Remera Sector, Kacyiru District in Kigali City wrote to the Commission requesting justice to be done on the part of his neighbour named HABIMANA Jean Pierre.

He explained that HABIMANA Jean Pierre is a car washer at Rwandex “Kinamba” (a car-washing place) and that his detention on 5th October 2005 was caused by KONTAKE Donat, a resident of Kagarama of Kicukiro who accused him of stealing his mobile telephone he had allegedly left in the car before HABIMANA Jean Pierre went to wash it. When KONTAKE Donat could not find the telephone he immediately beat up HABIMANA Jean Pierre and took him to the Gikondo Police Station which sent him for detention with street vagabonds at Gikondo, a place called “Chez Kabuga”. MUNYANEZA Ildefonse said that while in detention HABIMANA Jean Pierre fell sick but was not taken to hospital.

On 14th October 2005, the Commission went to Gikondo where street vagabonds are detained and met the Police Officer in charge of that detention place and presented him with the case of HABIMANA Jean Pierre. The Commission met HABIMANA Jean Pierre and found him sick but without any medical care. He explained that before he was brought to the street vagabonds’ detention place, he had been detained first at Gikondo Police Station because he was suspected to have stolen a mobile telephone and that he had left at the Police Station his documents, including his Identity Card, together with his worker’s card.

The Commission told the Police Officer in charge of the street vagabond’s detention centre that HABIMANA Jean Pierre should be released because his case is within the competence of the Mediators and he is not a vagabond as he has a worker’s card. The Commission also recommended that HABIMANA should be taken to hospital immediately.

On 17th October 2005, MUNYANEZA Ildefonse came to the Head Office of the Commission and informed that HABIMANA Jean Pierre had been released on 15th October 2005.

The Commission finds that injustice was done to HABIMANA Jean Pierre, and that his integrity was violated by detaining him with vagabonds though he had a worker’s card and a known place of work. The Commission requests the National Police Authorities to be very careful in arresting the so-called vagabonds to avoid including innocent people in the process.

The Commission also finds that the National Police should have pursued KONTAKE Donat for the crime of beating HABIMANA Jean Pierre because in a country governed by the rule of law, no one takes the law in his own hand.

7. Violent beating of NGENDAHAYO Jean Pierre nick-named MUSHI and his arrest.

Having been called upon by some residents of Gatsata Sector, the Commission followed up the issue regarding injustice done to NGENDAHAYO Jean Pierre nick-named MUSHI. The inhabitants say that, on 26th September 2005, NGENDAHAYO Jean Pierre was detained at the Gatsata Police Station after being beaten by the security agent in Gatsata Sector by the name of TUGIRUMWAMI Deo.

On 27th September 2005, the Commission visited the place where NGENDAHAYO Jean Pierre was in detention, and he told the Commission that TUGIRUMWANI Déo beat him after being beaten by many other inhabitants he could not identify. He showed the Commission the body injuries he had suffered due to this beating.

On 28th September 2005, the Commission met TUGIRUMWAMI Déo who admitted having beaten NGENDAHAYO Jean Pierre. The Commission learnt also that TUGIRUMWAMI Déo has the habit of beating people.

The Commission finds that although NGENDAHAYO Jean Pierre was released, there is still the problem of leaders beating people and yet there are authorities whose responsibility is to settle disputes and punish the culprits. Measures should be taken against such leaders.

The Commission requests that in case they arrest someone who has been beaten or who is sick, they should first help him get medical treatment before detaining him in cell and those who beat him should be pursued.

8. Detention of Captain Doctor MUGEMANSHURO Alfred.

On 17th October 2005, NGANYIRA Agnes, the wife of Captain Doctor MUGEMANSHURO Alfred of P.O.Box 2942 KIGALI, wrote to the National Commission for Human Rights requesting that justice be done to her husband, Captain Doctor MUGEMANSHURO Alfred who is in detention at the Military Prison of Mulindi, because he has been in detention for a long time, for unknown reasons.

The lady NGANYIRA Agnès explained that her husband was arrested by the Military Prosecution on 10th August 2004, until the time she reported the matter to the Commission on 20th October 2005 no arrest warrant had been issued. She required explanation regarding the detention of her husband and the Military Chief Prosecutor told her that he had been detained by the Gacaca Court of Kibingo Cell, Ngoma Sector, Butare Province, the birth place of Captain Doctor MUGEMANSHURO Alfred. When she asked the President of the Seat of the said Gacaca Court, he reportedly said that the Court had not detained her husband.

The Commission consulted the Judicial Officer handling the files of the soldiers detained at Mulindi and he said that Captain Doctor MUGEMANSHURO Alfred had been detained by the Gacaca Court of Gishamvu (Ruhororo Cell, Ngoma Sector, Kibingo District in Butare Province). Due to worries

expressed by witnesses, the Commission wanted to get the arrest warrant that led to the detention of Captain Doctor MUGEMANSHURO, from either the Military Prosecution or the said Gacaca Court of Kibingo but no such warrant was produced.

The Commission proceeded to Mulindi where Captain Doctor MUGEMANSHURO Alfred was in detention and talked to him. The Commission found that he had no detention warrant, and no clear explanation had ever been given to him as to the reason for his detention nor the authority detaining him.

The Commission also went to see the Chief Prosecutor in the Military Courts who showed to the Commission the file of Captain Doctor MUGEMANSHURO Alfred. He added that everything had been done in transparency and in writing, that they were waiting for the decision of the Gacaca Court they had written to, and that everything would be finalised within three weeks, as on their side, they had already completed preparation of his file placing him in the first category of those who organised and executed genocide.

After the Commission had started following up this case, Captain Doctor MUGEMANSHIRO Alfred was issued, on 6th November 2005, with the warrant from the Military Chief Prosecutor that authorised his remand in custody on 10th October 2004. He sent this warrant to the Commission. For all this time he was in detention, he never understood which authority decided on his detention. His file read n°7/32/S1/AM/KGL/03, and he had been charged with having been involved in genocide and other crimes against humanity.

Investigations made by the Commission found out that:

- Captain Doctor MUGEMANSHURO Alfred was kept in detention for a long time without being informed of the reason for his detention;
- Captain Doctor MUGEMANSHURO Alfred was detained by the public prosecution whereas he should have been remanded in custody by competent judicial authority;
- The laws governing arrest and detention were not respected as regards the case of Captain Doctor MUGEMANSHURO Alfred.

The Commission requests the Public Prosecution in general and the Military Prosecution in particular, to respect the laws governing arrest and detention.

9. Unlawful detention of SUDI Selemani and his seven friends.

On 30th June 2005, the Commission learnt that there were people including KIMBOMBO Majuto and his seven friends who were still in detention at the Police Station at Nyamirambo on charges of throwing stones and wastes from the latrine into the compound of RUSAGARA Emmanuel. They were brought before the Council of Judges which ruled that they be released temporarily as there was no tangible evidence to prove them guilty. The Police refused to respect this decision and continued to detain them.

The Commission made investigations on the matter and found out that, actually stones and wastes were being thrown on to the house but there was no evidence that this is done by KIMBOMBO Majuto and his friends, because even during the time they were in detention stones continued to be thrown on to the house.

On 1st July 2005, the Commission discussed with the Chief of the National Police in Kigali City. The Commission explained to him that the detention of KIMBOMBO and his friends was unlawful and asked him to release them. He replied that these people will not be released for reasons of people's security. This same reason was given to the Commission by the Commander of Nyamirambo Police Station on 3rd July 2005.

On 5th July 2005, the Commission reminded once more the Chief of the National Police in Kigali City that he should execute the decision of the Judge, then he accepted releasing him.

The Commission finds that those people were kept in custody unlawfully, and recalls to attention that court decisions should be respected by all the concerned, according to the provisions of Article 140 of the Constitution of the Republic of Rwanda of 4th June 2004 as revised to date. The said article stipulates that: "Judicial decisions are binding on all parties concerned, be it the public authorities or individuals. They shall not be challenged except through ways and procedures determined by law".

10. The Arrest and torture of MUNENWA Maulidi.

MUNENWA Maulidi, son of ZIADI Maulidi and UWANTEGE Agnès, a resident of Nyarugenge was arrested by Kicukiro Police on 24th September 2004 on charges of inducing a girl named INGABIRE Dative into prostitution.

On 25th September 2005, the Commission, upon its own initiative, followed up the case regarding MUNENWA Maulidi's arrest and detention, as it had learnt that he had been tortured. The Commission went directly to the Kicukiro Police Station and when it asked to meet MUNENWA Maulidi the request was turned down. However, the Commission left instruction to the policeman present that it had learnt that the said detainee had been beaten up and it requests that he should be taken to hospital immediately.

In the investigations that followed, MUNENWA Maulidi's family informed the Commission that he had been arrested by Nyamirambo Police Station on 24th June 2005 and was immediately transferred to Kicukiro Police Station on charges that he had induced a girl named INGABIRE Dative into prostitution. The Commission learnt also that MUNENWA Maulidi was 21 years old whereas INGABIRE Dative was 20.

MUNENWA Maulidi's family says that after knowing where he was detained, they immediately went there. At first the police denied knowing anybody by that name who was detained there. Later on, the police admitted that MUNENWA Maulidi was detained there but they did not allow his family to see him, nor did they let it know the charges against him.

The family says that after learning that MUNENWA Maulidi had been beaten, they asked the Kicukiro Police to hurry him to hospital but this was not done. The family sought the help of the Prosecutor of Kicukiro District. He asked the Police to take MUNENWA Maulidi to hospital and the Police accepted but did not do so. The family reported the matter to the Commander of Kicukiro Police Station and the Prosecutor of Kigali City. Then the Commander agreed that he was going to do all he can to have MUNENWA Maulidi get treatment.

Not until two days after MUNENWA Maulidi had been beaten that the Kicukiro Police Station took him to hospital.

The Commission discussed the matter with the Higher Authorities in the National Police and found that the authorities were already informed of the torture MUNENWA Maulidi had suffered through beatings and denial of treatment, and that the authorities had already punished the policeman involved in those crimes.

The Commission finds that the fact that it was denied a visit to the place where MUNENWA Maulidi was in detention is in contradiction with the Commission's responsibility entrusted to it by the Law n° 37/2002 of 31st December 2002, Article 3[g] which stipulates that the responsibilities of the Commission include that of "visiting prisons and check whether the rights for detainees therein are secured".

The Commission requests the National Police to take serious measures to ensure that such mistakes are not repeated.

B. The Question of people kept in prison having served out their sentence.

1. The case of HARERIMANA Hassan and MUHIRE François who served out their sentence and yet were not released.

On 15th June 2005, when the Commission visited Nyagatare Prison, it found there two prisoners, HARERIMANA Hassan and MUHIRE François, from the former Mitungo Cell, Rukara Sector, Rukara District in Umutara Province. These men had already served out their prison sentences but not been released.

In its investigations, the Commission found out that HARERIMANA and MUHIRE were detained on 16th June 2004 on charges of theft. Their case was recorded in one and same file n° RPGR 122484/S1/MS/BA/Proré, and they appeared before the court on 28th June 2004 when they were sentenced to one year imprisonment. They were supposed to be released on 16th June 2005. The reason for their not being released at the required time was that the prison argued that they were detained on 25th November 2004, based on the Judge's order on their imprisonment.

On 22nd September 2005, the Commission went with the Deputy Director of the Nyagatare Prison to do investigations at the Prosecutor's Office. They found out that the prisoners mentioned above were put into prison on 16th June 2004 and not on 25th November 2004, thus they were supposed

to be released on 16th June 2005. The Commission requested the Prosecutor's Office to release them immediately and they were released that very day.

2. SIBOMANA Eugene's overstay in Prison.

On 13th February 2005, SIBOMANA Eugène, nick-named CYUMBATI, from the former Kinunga Cell, Mburabuturo Sector, Kabarondo District in Kibungo Province, wrote to the Commission requesting to be reinstated in his rights because he had spent a year in prison after having served out his sentence. He said he had been arrested on 15th November 1994 charged with the crime of genocide. The court had declared him guilty of the crime and sentenced him to ten years imprisonment, period which should have ended on 15th November 2004.

On 28th February 2005, the Commission consulted the Prosecutor of Kibungo Province who informed the Commission that SIBOMANA Eugène had not been released because his file contained a document stating that he had been imprisoned in 1998. The Commission requested him to investigate on the matter so as to establish the truth. The Prosecutor's Office carried out investigations and found out that SIBOMANA Eugène had actually been imprisoned in 1994, and he was released immediately.

The Commission observes that SIBOMANA Eugène has been denied his right to freedom because he continued being imprisoned after he had already served out his sentence and this, due to the carelessness of those who prepared his file in the Prosecutor's Office.

Since it is evident that there are prisoners who serve out their sentences decided on by courts and yet are not realised, the Prosecutors and Directors of Prisons should verify regularly whether prisoners have served out their sentence so as to release them in due time, otherwise they should be compensated for the injustice they suffered.

C. Violation of the right to life.

1. The killing and injuring of prisoners in Mulindi Military Prison.

On 22nd December 2005, the Commission learnt that there had been demonstrations in Mulindi Military Prison in Kanombe, and that there had even been deaths and injuries among the demonstrators and it decided to follow up this event.

In its investigations, the Commission met the leader of the Military Police in charge of this Prison, the prisoners therein and the injured who came there for treatment.

The said investigations revealed to the Commission the following :

- The demonstrations actually took place at the Military Police of Mulindi in Kanombe;
- Three prisoners died including two killed by bullets and one trampled underfoot to death by prisoners running away from bullets;
- There were seventeen injured including six severely so;
- The injured got treatment.

The Commission finds that there has been violation of the right to life because people have died and others injured who could also die. Moreover, war guns and bullets were used against unarmed demonstrators.

The Commission requests and at the same time advising the Military leadership, the Public Prosecution and the courts to pursue those involved in the killing and injuring of these prisoners. In case of such demonstrations also there should be found means other than war bullets, such as plastic bullets, tear-gas and the like.

D. Killings, ill-treatment and persecution of genocide survivors and those willing to tell the truth on what happened during the genocide.

For the past three years the National Commission for Human Rights has been showing in its reports, the killings, ill-treatment and persecution of genocide survivors and those willing to tell the truth on what happened during the genocide in different Provinces in the Country. However, there are places where these killings are still taking place. In some places also are found tracts with threats and heart-piercing words. Such acts are done particularly to genocide survivors and witnesses in Gacaca Courts. This was observed especially in the former Gasiza District, Kayove and Gisenyi Town.

1. The murder of NYIRANEZA Virginie.

NYIRANEZA Virginie is a genocide survivor witness, killed on 9th November 2005, and whose body was thrown into a river. She was a resident of the former Kana Cell, Shyira Sector, Gasiza District in Gisenyi Province, but had moved to Ruhengeri Province due to her insecurity problems.

In its investigations, the Commission learnt that NYIRANEZA Virginie usually went to give witness on what happened in her Cell of residence. She used to leave her place on Wednesday evening so as to attend Gacaca proceedings on Thursday after which she went back to Ruhengeri.

Those suspected of involvement in this killing were arrested and taken to court. They included one KURUZISHURI Jean Claude nick-named MAKORO who was being witnessed against by the late NYIRANEZA Virginie. By the time of writing this report, their file n° RP4R04505 was dealt with at the Ruhengeri High Court of the Republic and six people were declared guilty: RWAMAKUBA Théoneste, NKUNDIMANA Samuel nick-named Dine, NIZEYIMANA Théogène nick-named MAFENE, RUSATIRA Jean Eugène and NKURUNZIZA Samuel nick-named NYARITWA. These were sentenced to death whereas KURUZISHURI Jean Claude nick-named MAKORO was sentenced to 15 years imprisonment for he willingly admitted his crime and pleaded guilty.

The Commission requests the security authorities to draw more attention to the security of genocide survivors and the witnesses in Gacaca Courts.

2. The Murder of MUKARUZIMA Immaculee.

The elderly lady MUKARUZIMA Immaculée, a residence of the former Ruhande Cell, Kayenzi Sector, Kibuye Town was a witness in Gacaca Courts and she had determined to say the truth. She finally was cruelly murdered, knifed in both cheeks, her head broken into pieces with a hammer. This happened on 26th October 2005.

In the investigations conducted by the Commission from 9th to 11th November 2005, it interviewed different people including neighbours of the victim, the Chief of the Police in the former Kibuye Province as well as the representative of IBUKA Association in this Province.

One thing agreed upon by many is that the victim was a person with many enemies, due to the fact that she had the courage to give witness against many people because she had seen most of what happened in her area during the genocide as she was not among those hunted. Another thing is that she belonged to a large family with many relatives who had been involved in genocide, including some who had just been released following the Presidential Communiqué of 1st January 2003 and some of whom she was witnessing against.

Those suspected to have been involved in the murder were arrested and detained. These were: RIBONA Evariste, MUKANSANGA Pascasie, MUSABYIMANA Emmanuel, BAYAVUGE Esdras, TWAGIRAMUNGU François, BANYANGIRIKI John and NZABAHIMANA François.

The Commission requests the concerned authorities to do everything possible so that the suspects are brought to court without delay and those proved guilty are given exemplary punishment.

E. Delaying cases and non execution of judgment.

- **Delaying cases.**

1. The case of KARANGANWA Emmanuel and NTAGANIRA Wellars.

On 15th March 2000, Advocate RWANGAMPUHWE François who is the Counsel of KARANGANWA Emmanuel in his case, a resident of the former Kinazi Sector, Ntongwe District in Gitarama Province, wrote to the Commission requesting it to follow up the injustice done to KARANGANWA Emmanuel, whereby the Gitarama Court of First Instance does not try his case n° R.C. 1396/2/98 between him and the former Ntongwe District.

The case of KARANGANWA Emmanuel was mentioned in the annual report for 2001⁷ whereby the Commission recalled to attention the fact that KARANGANWA Emmanuel's case had been postponed 17 times and this because the District Mayor, Mr. NTAGANIRA Wellars was not responding to the summons of the court. In its annual report for 2002⁸, the Commission recalled again this case, requesting the former Gitarama Court of First Instance to speed up the proceedings of this case so as to

⁷ Commission's annual report for 2001, p. 31-32 (Kinyarwanda version)

⁸ Commission's annual report for 2002, p. 15-16 (Kinyarwanda version)

establish the truth and let justice be done. By the end of the year 2003⁹, this case had not been tabled for hearing in the Court, and this made the Commission appeal to the Supreme Court to intervene and help to bring the matter to an end, for it was evident that proceedings of this case had been extremely delayed such that KARANGANWA Emmanuel continued to be denied his rights to appear before the court within reasonable time.

In its investigations, the Commission came to know that proceedings of KARANGANWA Emmanuel's case had taken place in the former Court of Gitarama Province. It was pronounced in public on 6th April 2005, with the Ntongwe District losing the case. The District was ordered to pay compensation equivalent to one million seventy three thousand (1,073,000 FRw). Ntongwe District was not represented at the time of this court decision. The Commission learnt also that Ntongwe District did not lodge any appeal nor did it give to KARANGANWA his dues according to the court decision.

The Commission requests once again the Ministry having local government in its attributions to remind the current Ruhango District which includes the area constituting the former Ntongwe District to pay KARANGANWA Emmanuel without any other complications.

The commission observes that KARANGANWA Emmanuel had been treated with injustice for a long time; the authorities concerned in a way, in seeing to it that judgments are executed should help him get his dues without delay.

The Commission draws attention once more to the fact that no one should suffer injustice from the very authorities supposed to ensure reinstatement of his rights.

2. The case of MUKANGABO Angélique.

On 24th February 2005, MUKANGABO Angélique who lives in the Eastern Province, the former Gatere Cell, Remera Sector, Kigarama District in Kibungo Province, wrote to the Commission requesting it to follow up the case of her son, HABARUREMA Jean-Pierre.

MUKANGABO Angélique informed the Commission that HABARUREMA Jean-Pierre has been a prisoner in the Central Prison of Kibungo Province since 8th September 2002 accused by MUREBWAYIRE Valeriya of having raped a young girl aged 15. The issue at hand is that his file n° RMP 82044/S5/AS/NJMV is not presented to court for proceedings.

On 10th March 2005, the Commission followed up this case and met the Prosecutor of the Republic who informed the Commission the nature of HABARUREMA Jean Pierre's case and how it is being followed up. On 5th August 2005, the Commission met again the Prosecutor of the Republic who informed it that the file was forwarded to court on 19th November 2005 for court proceedings. However, by the end of 2005, this file had not been tabled for hearing in court.

The Commission finds that the process of handling this case has been very slow despite its seriousness, and this is the reason why the Commission recalls to attention that cases relating to rape should be given special attention. It is also clear that this file has been pending for a long time, reason

⁹ Commission's annual report for 2003, p. 16-17 (Kinyarwanda version)

why the Commission requests that this case be tabled immediately for hearing in court so as to respect the rights to have one's case decided upon in reasonable time.

3. The case of IGIHOZO GANZA Marie Laurence.

On 25th February 2005, UWAMURERA Marie Claire, a resident of the former Mamba Cell, Rukira Sector, Butare Town in Butare Province, wrote to the Commission seeking its help with regard to execution of the judgment in connection with case n° RC20342/S8/04 in which she represents her daughter, IGIHOZO GANZA Marie Laurence, against Doctor TWAGIRUMUKIZA Marc. She accuses him of denying the child he had with her and not giving her anything to help her feed the child. This case was decided upon on 2nd April 2004 by the Butare Court of First Instance which ruled that "IGIHOZO GANZA Marie Laurence represented by her mother UWAMURERA Marie Claire, was indeed brought to life by TWAGIRUMUKIZA Marc, and thus should be enrolled as his daughter in the civil status register of the Muhanga District and that he should regularly give her 20,000 Frw per month for her bringing up until she reaches the age of seven". The decision on this case was made in the absence of Doctor TWAGIRUMUKIZA Marc.

In the explanations given to the Commission by UWAMURERA Marie Claire and according to the contents of the copy of judgement on the above mentioned case, it is clear that the root cause of the issue was that UWAMURERA went to see Doctor TWAGIRUMUKIZA Marc for medical consultation and then the Doctor took advantage of the occasion to have sexual intercourse with her and make her pregnant.

Doctor TWAGIRUMUKIZA made an application for review of this case to the Provincial Court, under n° RC 0021/41/BUT/RC 20436/5804. On 18th April 2005, the Court ruled that this time he should be paying every month a sum of 25,000 Frw to help bring up the child.

On 10th August 2005, the Commission met the President of the Butare Provincial Court, and discussed with him the non execution of the court's judgment in the case mentioned above. The president promised the Commission that he was going to follow up the case and talk to those in charge of execution of judgments in Butare Town. That same day the Commission met the Mayor of Butare Town who promised that they were going to do everything possible so that UWAMURERA Marie Claire is given her dues in accordance with the court decision.

On 11th November 2005, the Mayor of Butare Town wrote to the Rector of the National University of Rwanda at Butare requesting him to help them make Doctor TWAGIRUMUKIZA Marc pay the sum of 25,000Frw per month required of him in the case n° RC 0021/04/TB/BUT which was decided against him in favour of UWAMURERA Marie Claire. He requested that this amount be deducted regularly from his salary.

On 8th December 2005, the Rector of the National University of Rwanda at Butare, wrote to the Human Resource Officer in the University a Letter n° 1.10/1750/05 requesting him to effect regular deductions from TWAGIRUMUKIZA Marc's salary, the sum of 25,000 Frw to meet the needs of the child.

At the time of writing this report, the Commission discussed with UWAMURERA Marie Claire and she informed it that since December 2005, she receives the sum of 25,000 Frw for the child's needs but the child had not been recorded in the father's Identity Card and thus cannot be included in the father's "RAMA" booklet to get medical treatment through "RAMA".

The Commission observes that IGIHOZO GANZA Marie Laurence is still being denied her right to be recognised as a child.

The Commission finds that TWAGIRUMUKIZA Marc's behaviour is contrary to the code of conduct governing the medical profession, and requests the Medical Doctors' Association to follow up this issue.

Regarding the child's inclusion in the father's Identity Card, the Commission requests the authorities responsible for execution of court's judgements to get this matter settled.

4. The case of NDEMEZO Apollinaire.

The case of NDEMEZO Apollinaire, a resident of the former Munini Cell, Shangasha Sector, Rushaki District in Byumba Province was dealt with at length in the Commission's annual report for the year 2004¹⁰.

As explained earlier in the said report, NDEMEZO Apollinaire was shot at by a policeman called RUBAYIZA John causing him to have his leg broken. The Public Prosecution complained against the policeman in case n° R.M.P 13188/CT/S3/AD/RBS-RP 434/XXI/1999/BY, heard by the Byumba Court of First Instance and in which the policeman was the loser. In the said report also, the Commission disapproved of the leadership of Rushaki District which was characterised by not responding to the court's summons thus causing the case to delay.

Based on the criminal case n° RP 434/XXI/1999/BY, NDEMEZO Apollinaire claimed compensation, and the case was recorded under n° RC 322/XXVI/01/BY. After the judicial reform, the case was transferred to the Rushaki District Court on 13th October 2004, and was given n° R.C. 138/R1/TD/RKI. On 29th November 2005, the case proceedings took place, and the court decided that it be forwarded to the Byumba Provincial Court because the Rushaki District Court had no jurisdiction to examine the case to its actual contents. In fact, the compensation of 6,000,000 Frw claimed by NDEMEZO Apollinaire is greater than the 3,000,000 Frw which is the maximum within the competence of the District Court.

At the time of preparing this report, the Commission visited the former Byumba Provincial Court and was informed that when the courts start operating, the case of NDEMEZO Apollinaire will be listed among those to be immediately tabled for proceedings in court.

The Commission requests the Byumba Grand Instance Court to do their best so that the case of NDEMEZO Apollinaire is tabled for hearing in court.

¹⁰ Commission's annual report for 2004, p. 53-54

- **Non execution of judgments.**

1. The case of KABERA Théoneste.

On 20th June 2003, KABERA Théoneste, a resident of the former Kinihira Cell, Barija Sector, Nyagatare Town in Umutara Province, wrote to the Commission reporting to it the injustice done to him and his friend, KAYONGA Tito, by the Ministry of Health.

The Commission showed in details the case of KABERA Théoneste in its annual report for 2004¹¹. In the said report, the Commission had requested the Ministry of Health to respect the court decisions, so that KABERA Théoneste resumes work and is given all his money without conditions.

In its investigations and even after meeting KABERA Théoneste himself, the Commission learnt that KABERA was never taken back to his job nor was he given the money according to the ruling of the court.

On 19th December 2005, the Commission met the Secretary General in the Ministry of Health and informed him of the matter and he immediately phoned the Management of Nyagatare Hospital telling them to take back KABERA Théoneste on job.

Regarding the money KABERA was to be given according to the ruling of the court, the Secretary General in the Ministry of Health told the Commission that he and the Head Doctor of Nyagatare Hospital were going to examine very soon the modalities of paying him the money.

At the time of writing this report, the Commission learnt that KABERA had not been taken back on the job nor had he received the money according to the ruling of the court. The Commission has written to the Ministry of Health the Letter n° CRDH/0734/06 requesting it to execute the decision taken by the court.

The Commission is requesting once again the Ministry of Health to respect the decisions of the court and take KABERA Théoneste back on his job and give him the money as ruled by the court. He should even be paid the arrears he could have earned so far, for it would be a sad thing if it is the Ministry that does injustice to the citizens and disregards court decisions.

The Commission will follow up further this case.

2. The case of BAPFAKURERA Paul.

On 9th December 2003, BAPFAKURERA Paul, from the former Rubona Cell, Kamonyi Sector, Kamonyi District in Gatarama Province, wrote to the Commission requesting it to help do justice regarding his case on pieces of land he was disputing with some members of his family, including his father, RWAGASORE Jean and the son of his paternal Uncle, RWAGAPFIZI Célestin.

¹¹ The Commission annual report for 2004.

BAPFAKURERA Paul disputed a piece of land with his father, RWAGASORE Jean, since 1974. The case started in the Gacurabwenge Canton Court on 13th April 1974, whereby RWAGASORE accused BAPFAKURERA of having taken unjustly the piece of land he had inherited whereas he (RWAGASORE) had given to BAPFAKURERA the inheritance due to him. The case was registered under n° R.C. 1524/4, the proceedings took place on 29th November 1980 and RWAGASORE was the loser. The case continued in the Gitarama Court of First Instance, decided upon on 20th November 1981. The court decision came against BAPFAKURERA Paul who appealed to the Nyabisindu Court of Appeal. The case was pronounced on 9th February 1983 declaring BAPFAKURERA Paul the winner.

On 28th March 1986, the Ministry of Justice requested by BAPFAKURERA Paul, helped him get the piece of land declared as his by the court, and the Ministry fixed for him beacons around his piece of land. RWAGAPFIZI Célestin and his sons invaded the part of this piece of land planted with trees, cut down the trees and sold the stones that were in the piece of land.

On 12th September 1986, BAPFAKURERA Paul lodged a complaint with the Gacurabwenge Canton Court accusing RWAGAPFIZI Celestin of invading his piece of land. The case was registered under n° R.C. 4514/58, the proceedings took place and the ruling was made on 13th November 1986, declaring BAPFAKURERA Paul the winner.

On 2nd January 1987, the family of RWAGAPFIZI Célestin, represented by his son, RUDASINGWA Valens, appealed against the case n° R.C 4514/58 in the Gitarama Court of First Instance; the appeal was registered under n° RCA 11087/26 but the proceedings were delayed.

In following up the case of BAPFAKURERA Paul, on 14th February 2005, the Commission met the Mayor of Kamonyi District, the Coordinator of Kamonyi Sector as well as BAPFAKURERA Paul who was concerned by this case. BAPFAKURERA Paul explained the nature of the case and the leaders decided to start following it up so as to find reliable solution.

The Commission requests the Ministry having local government in its attributions to do every thing possible to find a permanent solution to this case thus enabling BAPFAKURERA Paul to have the right to his property.

3. The case of MUKAMASABO Anathalie.

On 1st June 2005, MUKAMASABO Anathalie from the former RUKIRIZA Cell, Ntenyo Sector, Ntenyo District in Gitarama Province, wrote to the Commission requesting it to do her justice enabling her to be given three cows decided on as her right by the court, in the case n° RCA.2170/05/99, RC 281/1 between him and KARUGANDA Jean, decided on 11th January 2002 by the Gitarama Court of First Instance. Proceedings of the case first took place in Tambwe Canton Court. The court decision was made on 24th September 1999 declaring MUKAMASABO the winner.

MUKAMASABO Anathalie says she reported her case to the leadership of Ntenyo Sector and that of Mukindi Commune which became later Ntenyo District, but no execution of the decision of the court on the case was done.

On 21st and 22nd September 2005, the Commission followed up this case and met MUKAMASABO Anathalie, the former Coordinator of Ntenyo Sector, MUSONI Phocas and the Mayor of Ntenyo District, Barihuta Aimé.

The Mayor of Ntenyo District told the Commission that on 24th August 2005 he wrote to the Coordinator of Ntenyo Sector, the letter n° 709/07. 13/07 asking him to implement the court decision regarding the case won by MUKAMASABO Anathalie against KARUGANDA Jean without any further complications, otherwise legal measures would be taken against him.

The Coordinator of Ntenyo District told the Commission that when he went to implement the court decision regarding the case of MUKAMASABO Anathalie (he does not say the date on which he went there), he found that the wife of KARUGANDA Jean(+), MUKANDOLI Laurence had sold all the property left to her by her husband when he shifted to Mwendo Cell, Muyunzwe Sector, Ntenyo District. The leadership looked for MUKANDOLI Laurence to have her pay the property her husband was asked to pay when he lost the case, but up till now the leadership have not found her as yet.

MUKAMASABO Anathalie told the Commission that in her view, injustice was done to her by the Coordinator of the Sector who refused to implement the Court decision in time, and now MUKANDOLI is unable to effect the payment.

The Commission finds that the Coordinator of Ntenyo Sector was unwilling to solve the problem of a citizen and takes this opportunity to request the leadership of the sector to do everything possible so that MUKANDOLI Laurence is found thus making it possible to implement the court decision.

The Commission will continue to follow up this case.

4. The case of SINDARIHUGA Iréne.

On 2nd March 2005, SINDARIHUGA Iréne, a resident of the former Nyamugali Cell, Kabare Sector, Kibungo Town in Kibungo Province, reported to the Commission her complaint regarding case n° RC 1198/R4/02/KGO which she won and yet the court judgment was not executed. When she asked the concerned local leadership why they do not execute the judgment, they told her that the case had been appealed against, but that the appeal file had not appeared in courts.

SINDARIHUGA Iréne had a husband with whom she had children though they were not legally married. Later, the husband died, then her father-in-law's family, represented by MUKANGENEYE Claudine, denied their grand-child. As the child was still young, the mother lodged a plaint to court on behalf of the child, so that the father could be identified and thus enabling the child to have a right to the father's property. SINDARIHUGA brought the case to the former Kibungo Court of First Instance and she won but the judgment was not executed. When she asked why execution is not carried out she was told that her opponent had made an appeal, but evidences of the appeal had not been established.

On 2nd March 2005, the Commission met the Vice-President of the Kibungo Provincial Court, UDAHEMUKA Adolphe, and present the case to him. He asked the Court Secretary to examine the file and it was established that the file had never been forwarded to the Court of Appeal because no letter had been received requesting that the file be forwarded as is the usual practice in case of appeal.

Moreover, on this same date, the Commission asked SINDARIHUGA to go to the Rwamagana Chamber of the High Court of the Republic and inquire about this file there, because it is this court that was receiving appeals from the Court of the former Kibungo Province. She inquired about the said appeal but it was no where to be seen. She even went to the Headquarters of the Supreme Court of the Republic in Kigali but here too the appeal file could not be found.

On 5th June 2005, in its investigations, the Commission finally found that the appeal on the said file had been recorded in the appropriate book, submitted in on 22nd October 2003 by MUKANGENEYE who was in dispute with SINDARIHUGA.

The Commission went also to the Chamber of this Court at Rwamagana because this Court was the one supposed to hear the said case. The Commission found that the file had already been forwarded there as confirmed by the Court's Clerk, MUHIMAKAZI Léoncie. The said Clerk informed the Commission that the reason for not fixing a date for the case proceedings in court was that none of the opponents had requested the court to do so. On this date, the Commission advised SINDARIHUGA to go to the court and request that a date be fixed for court proceedings on the case.

On 22nd December 2005, SINDARIHUGA Iréne informed the Commission that the matter had been settled, that she had appeared in court, the ruling made on 25th November 2005 whereby she again was the winner and that there remained only execution of the decision of the court.

Although this case has already been brought in court, the Commission finds that the problem of file disappearances is an obstacle against the right to appear to court within reasonable time. The Commission takes this opportunity to request the Supreme court to sensitise court personnel with regard to improvement of their file recording system, thus to avoid problems to those who seek the court's assistance.

5. The case of MUKAGAKWANDI Marie.

MUKAGAKWANDI Marie is a resident of the former Nyagashubi Cell, Kibirizi Sector, Mudasomwa District in the Gikongoro Province. In the case n° RCA 0453/2/98 tried by the Gikongoro Court of First Instance, MUKAGAKWANDI Marie was declared the rightful owner of the piece of land she was disputing with MUSABYIMANA Zaburoni. UWIZEYIMANA said that during the execution of judgment, the Gasogi Sector Coordinator had divided into two parts the piece of land her brother, MUSONERA Venant, had won in that case. Moreover, she said in her letter that the Mayor of Kabuga Town was informed about this issue, but he did not settle it.

In its annual report for 2004¹², the Commission explained how it followed up the case of MUKANYANDWI so that the judgment be executed. The year 2004 ended before the case was settled. The Commission disapproved the behaviour of MUNYAMPENDA Célestin, former acting Mayor of Mudasomwa District, in handling this case, for he disregarded court decisions.

By the end of 2005, the concerned authorities had not yet settled the matter. The Commission takes this opportunity therefore to request the Ministry having local government in its attributions to do

¹² Commission's annual report for 2004, p. 60-61

everything possible so that MUKAGAKWANDI Marie could obtain the piece of land declared by the court as her right.

F. Disregard of court decisions.

1. The case of BIZIMUNGU Manassé.

On 24th May 2005, BIZIMUNGU Manassé from the former Mpanguhe Cell, Nyagatare Sector, Kisaro District in Byumba Province reported to the Commission a complaint regarding non-execution of the court decision in relation with case n° RC 0012/04/BBA/RC 94/XXXI/03/BY, the ruling of which took place on 16th December 2004. He was requesting to get his right and be given the piece of land situated in Ruhando Cell, Kavumu Sector, Kisaro District.

The Commission went to the former Kisaro District and met the Director of Political and Administrative Affairs Unit who told the Commission that the District Council met to examine this issue and found that although BIZIMUNGU had won the case he could not be given the property the court declared to be his because the said piece of land was reportedly the source of living of a family comprising 27 children. The District leadership forwarded the matter to the Ombudsman seeking their assistance in settling the matter.

The Commission finds that the decision taken by the District Council was contradictory to the provisions of the law because nobody has the right to change the court decisions except a competent court. Justice should be done to BIZIMUNGU Manassé in accordance to the court decision.

3. The case of UWIZEYIMANA Francine.

On 24th November 2004, UWIZEYIMANA Francine residing in the former Rwezamenyo Sector, Nyamirambo District in Kigali City, wrote to the Commission requesting that justice be done to her because the case n° R.C. 3015/03 decided on by the Court of Kabuga Town on 9th January 2004 has not been implemented according to the court decision.

On 16th September 2005, the Commission discussed the matter with ABIJURU Déo, the Mayor of Kabuga Town, RUGUNDANA Wilson, the Assistant Mayor in charge of Economic Affairs, UWIMANA Jean Pierre, the Executive Secretary of Kabuga Town, KABANDA Joseph, the Director of Political and Administrative Affairs Unit in Kabuga Town, and NIYONSHUTI Alexia, the Coordinator of Gasogi Sector. After the discussions it was decided that the court decision should be respected and this was immediately implemented in the very presence of the Commission.

The Commission recalls to attention that Court decisions should be respected by administrative authorities for this is the lasting means to avoid disputes among the citizens.

G. Complaints related to property.

1. The complaint of BIGIRIMANA Innocent.

On 27th January 2005, BIGIRIMANA Innocent, a resident of the former Runyonza Cell, Rusororo Sector, Kabuga Town in Kigali Ngali Province, wrote to the National Commission for Human Rights requesting justice to be done to him and let him get the compensation for his house as promised to him by the leadership of Kigali Ngali Province when they took stock of his property which would be destroyed by the access road planned from Mulindi to the Province Head Office. He says this is two years ago and yet he has not got the said compensation nor is he authorized to repair his house which is now old.

The Commission followed up the complaint and learnt that the property of BIGIRIMANA Innocent and other citizens having the same problem which was supposed to be compensated, had been assessed back in 2002. The Leadership of Kabuga Town informed the Commission that the reason for the delay in compensating the citizens was inadequate means and that they are however aware of this issue. Another thing found out by the Commission and which should be followed up so as to make it quite clear, is that the new Provincial Head Office planned earlier to be constructed is no longer planned following the new structure of the Province and thus the citizens will not be compensated as the road is not necessary any more. The said leadership told the Commission that these charges will be explained to the citizens and that they will be given new instructions as to the management of their respective pieces of land as well as the other property on the land.

The Commission finds that the leadership of Gasabo District which includes the former Kabuga Town in Kigali Ngali Province should act quickly and help the citizens come out of suspense, they should get full rights to their land and thus they would be able to repair their houses and carry out on this land other profitable activities.

The Commission will continue to follow up this matter.

2. The complaint of MUKAGATARE Frolida.

On 20th May 2005, MUKAGATARE Florida, a resident of the former Rugando Cell, Kimihurura Sector, Kacyiru District in Kigali City and representing the family of RUSABYAMBUGA Martin who was killed during the genocide of 1994, wrote to the Commission requesting that justice be done to her by giving her compensation for her family's piece of land in which was constructed a market by the leadership of the former Kabuga Town in Kigali Ngali.

In its investigations, the Commissions learnt that the site of the said market is actually the piece of land belonging to RUSABYAMBUGA Martin, father of MUKAGATARE Florida and her younger sister and brothers, namely MUKARUTAMU Louise, KARAMAGE Michel, HITAYEZU Fabrice and NZAMWITA Jules. The said market was constructed towards the end of 2002 in the former Gako Cell, Masaka Sector in Kabuga Town. Since then the property which was on the piece of land, including coffee trees, beans, grass for animal feeding, fruit trees, a barbed wire fence with concrete pillars has not been compensated for, except for seventy thousand francs(70,000 Frw) paid for the beans on the piece of land.

The Commission met some of the former leaders of Kabuga Town, including ABIJURU Déo who used to be the Mayor of this Town, NZABAKINGA Claver who used to be in charge of Cooperatives, UWIMANA Jean Pierre, the former Executive Secretary of Kabuga Town, KABANDA Joseph, former Director of Political and Administrative Affairs Unit in Kabuga Town and MUKANGAMIJE Thaciana, former Coordinator of Masaka Sector. They discussed this issue. The said leaders told the Commission that stock had been taken of the property on the piece of land where the market is now constructed, in accordance with instructions regarding expropriation of people who have to leave their property for public interest, and the property was evaluated at the sum of eight hundred forty thousand francs (840,000Frw). This evaluation was just an estimation as they could not produce any agreement document or any document indicating the calculations. The leadership of Kabuga Town says that the delay in paying for this property was due to inadequate means and the concerned individual's laziness in following up her case. The leadership of Kabuga Town also agreed they would invite MUKAGATARE Florida to reach an agreement as to the value of this property.

On 21st September 2005, after debating over the issue in the very presence of the Commission, the leaders cited above asked MUKAGATARE Florida to go and, based on the instructions regarding expropriation of people leaving their property for public interest, work out the actual evaluation of the property to be compensated for. They added that if this is found to be correct after verification of experts, she will be paid.

On 30th September 2005, in the letter MUKAGATARE Florida and her sister and brothers wrote to the Mayor of Kabuga Town with copy to the Commission they informed him that the property on the land not compensated for were worth four million forty eight thousand eight hundred francs (4,048,800 Frw), add the value they feel they would give to their piece of land equivalent to four million seven hundred seventy seven thousand five hundred francs(4,777,500 Frw). Thus Kabuga Town owes them the sum of eight million eight hundred twenty six thousand three hundred francs (8,826,300 Frw).

Kabuga Town kept on sending MUKAGATARE and her sister and brothers to and fro. The leadership of Kabuga town agreed to give them the sum of one and half million francs (1,500,000Frw) only which they refused because they find that this compensation is not equivalent to their property that used to be at the site currently occupied by the market.

The Commission finds that the family of MUKAGATERA Florida was denied their right to the property left by their parents. The Commission requests the leadership of Kicukiro District which includes part of the former Kabuga Town to do everything possible to find solution to this question.

The Commission requests the authorities responsible for expropriation of people for public interest to first inform the citizens who must shift and this should be done in conformity with the law and they should move after they have been given the compensation equivalent to the value of their property.

The Commission will further follow up this issue.

3. The Complaint of MUKAMPANO Epiphanie.

On 28th September 2005, when the Commission was receiving complaints in the former Gisunzu District in Kibuye Province, a complaint was reported to it by MUKAMPANO Epiphanie a resident of the former Mushubati Sector, Gisunzu District, Kibuye Province, whereby she accused the Sector Mediation Committee of having refused to receive her complaint. The complaint concerned the property consisting of a piece of land, a house and domestic animals left to her by her husband GASEREBANYA who was dead. However, the children her husband had had with the first wife chased her away from the property and yet she had been legally married to her husband. She added that the six children left to him by her late husband had been refused access to the property by their elder brothers.

On 14th October 2005, the Commission followed up this complaint and had discussions with MUKAMPANO Epiphanie together with the members of the Mediation Committee in Mushubati Sector.

What was clear to the Commission is that MUKAMPANO Epiphanie had indeed been legally married to the late GASEREBANYA.

The complaint was reported to the Mediation Committee and was examined on 6th April 2005, but they disregarded the fact that MUKAMPANO Epiphanie had been legally married to GASEREBANYA and thus had the right based on the agreement on joint property she had made with her husband.

On the Commission advice, the Mediation Committee accepted to re-examine MUKAMPANO Epiphanie's complaint and even decided to return to her and her children the rights to the property left to them by GASEREBANYA. The Commission learnt that this decision was implemented on 20th October 2005.

The Commission disapproves of the local authorities in Mushubati Sector who for a whole year sat back looking on whereas MUKAMPANO Epiphanie and her children had no other means to earn a living.

4. The Complaint of BIRAJE Espérance.

On 1st April 2005, BIRAJE Espérance who lives in the former Rwuya Cell, Burashi Sector, Save District in Butare Province, wrote to the Commission requesting it to help her have justice done to her by following up the issue relating to a piece of land taken away from her by her sister-in-law, NYIRABARIBUTSA Julienne.

BIRAJE Espérance says that the piece of land had been left to her by her husband, SEBAKWIYE Gabriel who died in 1988 and to whom she had been legally married in November 1956. It was in August 2000 that NYIRABARIBUTSA Julienne took away the said piece of land from BIRAJE Espérance.

As seen in the letter n° 0144/07.04/06 of 13th February 2002, the former Governor of Butare Province wrote to the Mayor of Save District requesting him to settle the question of BIRAJE Espérance's piece of land taken away from her by NYIRABARIBUTSA Julienne.

Although this issue was known to different authorities in Butare Province, it had not been settled until the time BIRAJE Espérance wrote to the Commission.

The Commission investigated on the question of BIRAJE's piece of land in Burashi Sector. Among the people interviewed was UWIRINGIYIMANA Grâce, daughter of BIRAJE Espérance. She told the Commission that the Coordinator of Burashi Sector by the name of MUJYAMBERE Vénuste had taken away their remaining piece of land and given it to NYIRABARIBUTSA Julienne. The National Commission for Human Rights tried to talk to the Coordinator of Burashi Sector but could not find him.

In an attempt to establish what the inhabitants of the Burashi Sector could know about this issue, the Commission interviewed 15 people from Burashi Sector. They all said that BIRAJE Espérance was suffering injustice from NYIRABARIBUTSA Julienne whereas the latter had many other properties. They said she did all this with the support of the Coordinator of Burashi Sector.

On 16th August 2005, the Commission submitted the issue of BIRAJE Espérance to the Assistant Mayor of Save District in charge of Economic Affairs, RUZINDANA Benoît. The Commission learnt that he already was informed of the matter and he assured the Commission that he was going to settle it without delay. Three days later, the Commission learnt that the question of BIRAJE Espérance had been settled.

The Commission is of the opinion that punitive measures should be taken against leaders like MUJYAMBERE Vénuste because they treat unfairly the people they are called to lead.

5. The complaint of DUFATANYE and TURWANYINZARA Associations.

On 14th December 2005, representatives of associations selling potatoes along Nyabugogo road (Poids lourds), namely DUFATANYE and TURWANYINZARA, wrote to the Commission requesting that justice be rendered to them, for the Kigali City authorities had forcefully chased away their associations from their selling place without notice and this caused them loss. Another kind of injustice they reported to the Commission included beatings from the police to the extent that a woman called UMURUNGI Sisima had to be admitted in hospital as a result.

In the investigations conducted by the Commission, it discussed with MBARAGA Aloys, leader of DUFATANYE, UMURERWA Françoise, leader of TURWANYINZARA, RULISA, the Coordinator of Nyabugogo Cell, KAYITANA Charles who used to be Councillor in Kigali City, as well as the Chief of the Police in Kigali City. The Commission learnt that, in the process of stopping the businesses carried out along the borders of Nyabugogo marsh, the Nyarugenge District had asked the said Associations to prepare for shifting. This issue had also been examined in November 2005 when a delegation from the Office of the President of the Republic went to Muhima sector to solve people's problems. At that time, these associations were given a three months notice to enable them look for a plot and prepare to shift.

There was even created a ten-man Commission representing different institutions whose duty was to look for a place where the associations would shift to.

The Commission found out that the directives to have the associations move hurriedly were given on telephone by the leadership of Kigali City disregarding the three months notice given by the Sector Council. The police also used force in the implementation of the said sudden directives and this brought about beatings of some of the members of the associations.

At the time of preparing this report, the Commission addressed a letter to the Executive Secretary of Kigali City submitting to him this issue. He replied the Commission that the said three months notice had never been given, that instead it was one month and this was the reason for the chasing away of the associations. Yet local leaders who met the Commission said they had been given a three months notice.

The Commission finds that the leadership should give directives well prepared in advance to avoid decisions affecting the citizen. The police also should be careful not to beat and disrupt people.

6. The Complaint of KANZAYIRE Théopista.

On 15th July 2005, KANZAYIRE Théopista wrote to the Commission requesting that justice be done to her because she and her children did not have anything to live on as the Police had frozen all her bank accounts.

KANZAYIRE Théopista is the wife of HIGIRO Edouard, one of the policemen suspected of embezzlement of police funds and he has fled the country. KANZAYIRE Théopista explained in her letter that even if her husband could have stolen, she and her children together with her other dependents should not be denied the right to live, especially that even the case has not yet been decided on by the court nor has the decision to freeze her bank accounts been taken by a court.

On 4th August 2005, the Commission wrote to the Chief Commissioner of the National Police informing him that on 15th July 2005, KANZAYIRE Théopista had submitted to the Commission in writing, her complaint requesting that justice be done to her because she and her children had nothing to live on as the Police had frozen all her bank accounts.

The Commission requested the Chief Commissioner of the National Police to tell them the truth of what KANZAYIRE Théopista was saying.

On 17th June 2005, the Chief Commissioner of the National Police addressed to the Commission letter n° 303/NP/AR/SK/05 replying to the Commission's letter of 4th August 2005. He explained that the leadership of the Judicial Police within the National Police decided to freeze the accounts for emergency investigative reasons because the owner of the accounts was under investigations in connection with embezzlement of Government funds. The gravity of the crime and the concern that the suspect might run away or transfer away the funds were the reasons behind the decision to take extraordinary measures.

As the Commission made it plain to the Chief Commissioner of the National Police, the decision made by the Police to freeze KANZAYIRE Théopista's accounts was unlawful, because normally the decision to freeze an account is exclusively the prerogative of a court.

The banks also should bear in mind that freezing people's accounts is done on the basis of a court decision.

H. Complaints regarding the rights of the child.

1. The complaint of SEBAZUNGU Olivier.

On 15th January 2001, SEBAZUNGU Olivier, currently a student at Saint Joseph Secondary School at Kabgayi, brought to the attention of the Commission a complaint regarding injustice done to him by his paternal grand-mother, NAGAHWEJE Astérie who sold the house left to him and his young brothers by their parents. This issue was dealt with in details by the Commission in its annual reports for 2002¹³ and 2004¹⁴.

It will be recalled that the Commission had requested the Supreme Court to follow up the case of these children so that their rights are reinstated and the decisions made earlier, nullified.

On 13th May 2005, with a view to continue helping SEBAZUNGU Olivier, the Commission wrote him letter n° CRDH/0107/2005 advising him to immediately lodge to a competent court, a complaint regarding the custody of the house and regarding the guardian and her acts.

On 30th August 2005, SEBAZUNGU Olivier informed the Commission that he had lodged the complaint to the Court of Kigali City and the case n° RC 0390/05/TPI/Kig was scheduled for hearing on 3rd October 2005. However, by the end of 2005, the case had never been tabled for proceedings in court.

The Commission requests once again the Supreme Court to follow up the case of SEBAZUNGU Olivier and his younger brothers such that justice is done to them.

2. The complaint of MUTUYIMANA Christine.

On 25 August 2005, MUTUYIMANA Christine, a resident of the former Kinyaga Cell, Rubungo Sector, Gasabo District, Kigali Ngali Province, wrote to the Commission requesting for justice to be done such that the decisions on case n° R.C. 41380/04 are executed. She said that following exaggerated injustice which MUREKEZI Laurent legally married to her, was inflicting to her and the child they had had together, NIYIBIZI Albertine, they had appeared before the Gasabo District Court in the case n° R.C. 41380/04. On 1st April 2004, the court ruled that MUREKEZI Laurent will be paying twenty thousand francs (20,000 Frw) every month to assist both the child and the mother, though they are not yet divorced. Until the time she sought the assistance of the Commission, the decisions of the court had not

¹³ Commission's annual report for 2002, p. 52-53

¹⁴ Commission's annual report for 2004, p. 76-77

been executed, instead MUREKEZI Laurent had started selling their property and even using threatening language saying that if he saw them he would kill them.

On 26th August 2005, so as to know what the leadership authorities did on this issue, the Commission met the Assistant District Mayor in charge of Social Affairs, and he told the Commission that failure to settle this issue was due to the fact that MUREKEZI Laurent proved difficult for the leadership authorities to handle and he had fled the sector he used to live in. He added that the District authorities requested the National Police to arrest him but this had not been done. On the same day, the Commission met the Leader of the National Police in Gasabo District who informed the Commission that the person in question is being searched out so as to get him arrested.

The said leaders promised the Commission that with the collaboration and complementarities between institutions, they continue following up closely this matter so as to settle it without delay.

The Commission observes that the rights of MUTUYIMANA Christine and the child NIYIBIZI Albertine she has had with MUREKEZI Laurent have been violated. The Commission therefore requests the concerned authorities to use the powers vested in them by the law and find quickly a solution to this question.

The Commission requests the High Authorities of the Police to give firm directives to search out MUREKEZI Laurent.

The Commission will follow up further this case.

3. The question of children being employed in Gisovu tea plantations.

On 16th June 2005, the National Commission for Human Rights, upon its own initiative, followed up the case of children who abandon school to go and work on the tea plantations around the Gisovu Tea Factory. These plantations are situated in Karongi District in the Western Province.

On 10th and 11th August 2005, the Commission conducted investigations and met different categories of people, including the former Executive Secretary of the Province, KAYUMBA Bernard, the Mayor of Itabire District, NZABAHIMANA Eric, the Manager of Gisovu Tea Factory, KARAMAGA, teachers and inhabitants living around the tea plantations. The Commission also met some of the children who abandoned school and are now working on the tea plantations in Gisovu factory. Most of these children are under the age of 16, and this is against Article 65 of the Law n° 51/2001 of 30th December 2001 establishing statutes governing labour in Rwanda.

In the discussions the Commission held with these people, what most of them agree as real reasons for the children in the areas around the tea plantations to abandon school and come to look for jobs in these plantations, include poverty which is rampant in the area, ignorance based on the parents' little understanding which does not give importance to school and the fact that some of them have slackened as to their role as educators and are no longer strict with their children.

The teachers at Gisovu Primary School who also discussed with the Commission, told the Commission that the management of the factory plays a big role in this matter because they do nothing to encourage the children abandoning school to return back there, and this is because it is said the

children accept to work for lower pay (18 francs per kilo of tea leaves). Another thing they explained to the Commission is that the local leadership does nothing apparent to have the children go back to school. It is said that the management of the factory is more influential than the local leadership because the tea is reportedly the basic source of income for the inhabitants.

In an attempt to find a solution to this problem the administrative authorities tried various strategies such as organising different meetings aimed at sensitizing parents on the gravity of the matter, encouraging them to send their children to school and to take punitive measures against parents who do not send their children to school and those who take them away from school. The strategies included also removal of school fees, not employing children and asking them documents from the local leadership to testify their age.

However, the Commission finds that the problem still exists and it is a serious one, affecting greatly the rights of the child and the development of the country.

The Commission requests all the authorities concerned to take this problem very seriously and help to curb violation of the right of the child to education and the right to be protected from performing hazardous work; and to have those who disregard this matter prosecuted and punished by the law.

The Commission recalls to attention that according to the provisions of the first two paragraphs of Article 65 of the Rwanda Labour Code: "Less than sixteen years old child is not allowed to contract for employment in any company, even for apprenticeship; except by exception enacted by the Minister having Labour in his/her attributions after taking into account particular circumstances. These exceptions may be granted only to children aged between fourteen and sixteen years for light tasks as long as these are not likely to prejudice their health, studies and their participation to orientation and additional training programmes".

The Commission will continue following up this issue, and even in other places where it is said to exist, like in rice fields and places where children are seen employed to cut out stones for house and road construction.

4. Beatings end injuries inflicted on the child HAGENIMANA Jean Claude, nick-named KAZUNGU.

HAGENIMANA Jean Claude nick-named KAZUNGU, now ten years old is the son of MUNYESHYAKA Protais and NYIRAHABIMANA Marthe, residents of the former Bugina Cell, Kibingo Sector, Rutsiro District. He is a class four pupil, in Kibingo Primary School.

The news about HAGENIMANA Jean Claude's ill-treatment reached the Commission by means of the Rwanda press towards the end of October-beginning of November 2005. The news said that the teacher NIYIKIZA Vestine had been arrested and remanded accused by the Public Prosecution of the crime of beating and injuring a child she was teaching.

The National Commission for Human Rights followed up this case upon its own initiative.

The Commission made investigations, and learnt that actually, on 1st September 2005, the teacher NIYIKIZA Vestine beat HAGENIMANA Jean Claude, then nine years old, to the extent that the child was taken to hospital.

In its investigations, the Commission made inquiries with different people including MUKAMASABO Dancilla, paternal aunt to HAGENIMANA Jean Claude, workers in IBUKA Association from the former Kibuye Province, the Prosecutor in Rutsiro District, the Officer in charge of education and the ORINFOR journalist in the Province. Although some say that the root cause of this child's beatings was an exercise-book he might have stolen from a teacher in another school, MUKAMASABO Dancilla affirms that all this was done as a means to revenge because NTIYAMIRA François, the father of NIYIKIZA Vestine, who had been released from prison following the Presidential Communiqué, had been returned to prison following the witness given against him by MUKAMASABO Dancilla, in relation with NTIYAMIRA François's deeds during the 1994 genocide.

MUKAMASABO Dancilla told the Commission that it was one week after she gave this witness that her nephew HAGENIMANA Jean Claude was beaten almost to death by his teacher, NIYIKIZA Vestine. She thought that the said witness given is the real cause of the child's torture, and that the story about the exercise-book he had taken is just a pretext.

This is also confirmed by 21 children who were questioned about this issue. 17 among them confirmed that HAGENIMANA Jean Claude suffered 70 beatings on the buttocks and 2 others on the head. Amid the beatings he was being asked why he steals exercise-books costing only thirty francs whereas FARG gives them the exercise-books free of charge. This witness of the pupils was given in public on 4th September 2005 in a meeting convened by the School Headmaster. The written report of this meeting is recorded in the Public Prosecution's file.

NIYIKIZA Vestine was arrested on 13 September 2005, given file n° RPGR 650.021/S1/05/MS/M by the Public Prosecution of Rutsiro District. The file was forwarded to Rutsiro District Court, NIYIKIZA Vestine being charged with beating and injuring HAGENIMANA Jean Claude, a pupil she teaches. The hearing of the case n° R.P. 0010/05/TD/RUTS started on 18 September 2005 and was decided on on 12 October 2005. NIYIKIZA Vestine was declared innocent by the Rutsiro District Court, she was immediately released and went home. The Public Prosecution lodged an appeal immediately as it was not satisfied with the ruling of the court on this case.

Those who followed up this case in the Public Prosecution and in Court, including IBUKA Association and the ORINFOR journalist in Kibuye Province, informed the Commission that the contents recorded in the copy of the case do not correspond to what the parties said before the court. They affirm that most of what was said before the court is not recorded, others have been modified here and there. They also say that in this case, intentional disregard of some evidences as to the crime was noticed. They base their argument on the fact that HAGENIMANA Jean Claude had been treated at Kibuye hospital but during the hearing of the case in court the hospital file was not presented and yet it was needed in the case as an important evidence of the extreme ill-treatment inflicted on HAGENIMANA Jean Claude.

What was clear is that the court based their ruling on the absence of the hospital file and affirmed that the photographs taken showing the wounds of the child resulting from the beatings were

unfounded. The court insisted on saying that before taking the pictures, the child's body had been smeared with some medicines.

Another proof as to the intentional disregard of evidences is that in the executionary document of the case in the part "It finds", NIYIKIZA Vestine herself admits that she beat the child slightly though she does not know how many strokes she gave him; yet this was not taken into account in the case, as though there is authorised beating and unauthorised one, or as if this is not forbidden in the directives of the Ministry of Education.

Moreover, in this case, it is observed that the witness given by the pupils was not given importance because, so it is argued, they differ as to the number of strokes given to HAGENIMANA Jean Claude and yet during the questioning, they all converged to the fact that he was bitterly beaten.

Another unclear thing observed in this case is that the prompt action of the child's aunt to follow up the problem that had happened was considered as a crime and was even taken as one of the points based on in ruling that NIYIKIZA Vestine was innocent. This is found in the executionary document of the case whereby somewhere in "It decides" it is written that "It decides that given that the best interests of the child shall be a primary consideration especially that the child has got both parents and all others mentioned who take care of him, thus his father should have hurried to know the problem of the child at school, and report the matter immediately to the nearby administrative authorities and the hospital.....".

In the Commission's opinion, this decision is contradictory to the provisions of Article 28 of the Law relating to rights and protection of the child against violence. The said Article obliges everyone to inform the authorities when they learn of violation of rights of the child.

This case was scheduled for hearing in the Court of Appeal on 12th January 2005. At the time of preparing this report, the Commission learnt that it has been postponed.

Apart from the physical ill-treatment inflicted on HAGENIMANA Jean Claude, the Commission finds that there was also the crime of divisionism which was not been followed up and it request that this be looked into.

The Commission once again denounces those who ill-treat children because of differences between them and the children's families, and requests that those found guilty of such a crime be punished in an exemplary manner.

The Commission will continue to follow up this case.

5. The case of M.M¹⁵.

On 11 November 2005, the Commission followed up upon its own initiative the case of rape of the child called M.M. that took place on 23 October 2005, done by her four classmates who are first year trainees at the Technical School of "Centre de Formation de la Jeunesse (CFJ)" situated in the former Karengera Sector, Rusenyi District in Kibuye Province.

¹⁵ The Commission chose anonymity because the child is still under age.

In its investigations, the Commission learnt that M.M. was raped by four boys who were her classmates. What was observed by the Commission is that the management of the Centre had been careless about this issue, such that three of the boys who had done this violence fled away thus could not be arrested and prosecuted for this crime. The Commission learnt further that MINANI Noël who had been arrested was later released temporarily on 6th November 2006, after appearing before the Council of Judges whereas the other three were still being searched for by the Police authorities.

At the time this report was being prepared, the Commission learnt that the parent of M.M. has chosen to take her to a different school, at a place called Tyazo, in Nyamasheke District, in the Western Province. The Commission also learnt that the children who had fled have been arrested and that the Public Prosecution has started preparing their file ready for presentation to court.

The Commission requests the concerned authorities to do all they can to render justice to M.M., so that those who took part in her assault could be punished.

The Commission will continue following up this case.

6. The case of orphan students who used to spend holidays at APACE School, Kabusunzu.

On 27th October 2005, MUKAMANZI Dorothee submitted a complaint to the Commission, on behalf of her colleagues, orphan students who were usually accommodated at APACE School at Kabusunzu during holidays and were sponsored by the Fund for Assistance to Genocide Survivors (F.A.R.G). She says that Kigali City took a decision to close their lodging place whereas they had nowhere else to live.

On 28th October 2005, MUKAMANZI Dorothee came to the Commission together with four other children who had the same problem and they all stated that they, just as their other 47 colleagues, were preparing to go on end-year holidays, but they had a problem of finding a place to live in, as they have no families. Whereas the children were sent to this school by FARG, most of them started being provided with lodging at APACE as early as the year 2000.

In the investigations conducted on this issue, the Commission met RUTAYISIRE Michel, the representative of the Genocide Survivor Student Association (A.E.R.G) and the Executive Secretary of this Association, USENGIMANA Jean Marie Vianney. They said that the decision to close the said lodging place was taken at a meeting organised at Kigali City level which they also attended. The meeting brought together the leadership of Kigali City, representatives from IBUKA, AERG, Association of Orphan Children Heads of Family (AOCM), Officers in charge of genocide survivors in the districts of Kigali City, as well as the Headmaster of APACE School. The root cause of the issue was the letter addressed to Kigali City leadership by the management of APACE, informing that they were no longer in a position to provide lodging for those children.

It was decided that all the children should go to their respective districts of origin and be given emergency assistance because those present at the meeting found it not good to let the children continue to grow up in “homes”; that instead they should go into families where they receive good up bringing. However, the children kept on saying that they had nowhere to go.

The Commission met SENKWARE Emile, the Headmaster of APACE Kabusunzu. He affirmed that the school often ran into serious problems taking care of these children they had accommodated, because FARG did not pay in due time the necessary funds, and that was the reason why he requested that a solution be found to this problem.

The Commission discussed this issue with the Executive Secretary of FARG as well as the President of IBUKA and they agreed they were going to find a solution to it. Later, the children were allowed lodging for those end-year holidays.

Although the decision was taken by different institutions responsible for the welfare of the orphan children who survived genocide, it is clear that the decision was taken at the time the holidays were near and that the children had not been given notice of this decision to give them enough time for preparation and finding an alternative. The Commission requests the institutions responsible specifically for the orphan children who are genocide survivors to give prompt attention to their problems and settle them without the children having to run from place to place.

I. Complaints relating to the right to employment and respect of the Labour Code.

1. The sacking of TUMWINE Frank.

TUMWINE Frank wrote to the Commission on 10th May 2005 requesting that justice be done to him in connection with a dispute between him and his former employer, GARSEC SECURITY who illegally sacked him.

He explains that he was stopped from working, charged with stealing and disrupting normal working situation, and when he wanted to have evidence of the accusations the employee chose to sack him.

Evidences of his crimes were also required by the Chairman of the Administrative Council of GARSEC S.A.R.L, in his letter to the Secretary of the GARSEC Administrative Council who had reserved to the Chairman copy of the letter sacking TUMWINE Frank for good.

The Chairman of GARSEC Administrative Council explained in the letter that if these evidences are not produced, then TUMWINE Frank will continue being considered as an employee of GARSEC S.A.R.L.

After its investigations on the matter, the Commission had consultations with the management of GARSEC and they showed willingness to settle the matter out with him. The management agreed that within one month, the first of the money they have to pay to TUMWINE Frank will have been paid to him. GARSEC respected this instalment. However, negotiations are continuing because TUMWINE Frank chose this way of settling the matter, only to go to court as a last resort.

J. The Right to Education.

1. Denial of NDAYISENGA Valens' right to education.

On 10th April 2005, NDAYISENGA Valens, a resident of the former Kanama District, Kanama Sector, Gisenyi Province, wrote to the Commission requesting justice to be done to him because the Rector of ISAE-Busogo refused him to continue with his studies in that institution, after he had been retained in custody for a whole year by the National Police, without being told the charges against him. NDAYISENGA Valens who was a policeman sent by the National Police for studies in ISAE-Busogo was released without appearing to court.

In its investigations, the Commission learnt that NDAYISENGA Valens was imprisoned, suspected to have acted against the principles of the National Police. After his release, he went to resume his studies at ISAE-Busogo but the management refused to readmit him.

On 29th August 2005, the Commission wrote to the Rector of ISAE-Busogo the letter n° CRDH/0492/05 informing him that NDAYISENGA Valens had reported to it the injustice done to him by denying him the right to education. In the said letter, the Commission also made it clear to the Rector that the Minister of Education, Science, Technology and Scientific Research had asked him in the letter n° 2513/12.00/2005 of 12 July 2005, to reinstate NDAYISENGA Valens for his studies, but this had not been done.

By the letter n° 654/08.09 of 20 July 2005, the Minister of Internal Security who has the National Police in his attributions also informed the Rector of ISAE-Busogo that on his part, there is no reason why NDAYISENGA Valens should not continue his studies. The Rector of ISAE-Busogo never took heed of what was asked him in both these letters.

On 30th August 2005, the Commission wrote to the Chief of the National Police the letter n° CRDH/0493/05 explaining to him that NDAYISENGA Valens had been denied his right to education, because from the time he was released to the date of writing the said letter, the Rector of ISAE-Busogo Institution had refused him readmission.

After the said letter, the Commission met higher authorities in the National Police and requested them to help do justice to NDAYISENGA Valens. They promised the Commission that they were going to settle the matter.

At the time the Commission was writing this report, it was informed that NDAYISENGA Valens was never allowed by the management of ISAE-Busogo to resume studies.

The Commission requests the authorities which has been involved in this issue and which are responsible to settle it to do so and reinstate NDAYISENGA Valens in his rights.

K. The Right to Social Welfare.

1. The question of Gacuriro inhabitants who were denied the right to live in a decent place.

On 7th July 2005, the inhabitants of Gacuriro, in the former Urubanda Cell, Kagugu Sector, Gisozi District in Kigali City, represented by BOSA RUTEGA, wrote to the Commission requesting justice to be done to them. They explained that all the rain water from the collective settlement (Umudugudu) constructed by Rwanda Social Security Fund comes all the way down to their compounds and destroys their houses. The said collective settlement is called "Estate 2020".

They also said that their health is affected by the sewage from the said collective settlement because when there is no electricity, the machine that usually processes these wastes does not function and the sewage comes down to their houses along with the rain water.

In its investigations conducted on 21st July 2005 and 31st August 2005, the Commission visited Gacuriro to see for itself the nature of this problem. The Commission found that the constructors of the collective settlement did not take into account the drainage system, thus the rain water from house roofs finds its own way among residential houses. The Gacuriro inhabitants who talked to the Commission confirmed that when there is no electricity, the machine that usually processes the wastes stops and the sewage comes down to their residences. The Commission realized that indeed there was no generator to be used in case of emergency and this is the root cause of the said sewage problem.

The Mayor of Gisozi District informed the Commission that the problem started in October 2004 and has been examined in several meetings of the inhabitants and was examined even at the level of Kigali City. It was decided that a solution should be found immediately to settle this problem by constructing a water drainage system.

The Commission discussed the matter with the Director General of Rwanda Social Security Fund and he said that regarding the water system, there are things which Kigali City had promised to do but which it never did.

When His Excellency the President of the Republic visited the inhabitants of Kigali City, the residents of Gacuriro submitted to him this problem and he assigned specifically the Right Honourable Prime Minister to follow it up.

The Commission prepared a special report on this issue and submitted it to the Prime Minister on 7th November 2005 by the letter n° CRDH/0593/05 indicating what should be done in solving this problem. The things the Commission requested to be done are the following :

- Regarding the water that destroys people's residential houses, the Kigali City should construct canals to drain the water;
- Concerning the machine that processes wastes, the Commission finds that this machine should have a constant supply of electricity, for when there are current cuts, the wastes go out unprocessed and this affects the inhabitants of the area;

- As for the water coming out from the “Estate 2020” Collective Settlement, the Commission finds that the wastes from this collective settlement passes through the machine for processing and the water coming out from the machine is supposed to be clean. For this reason, Rwanda Social Security Fund should install permanent mechanisms of testing this water to make sure that all the time, it is not contaminated;
- The residents whose properties have been destroyed by the water should get compensation and this is among the responsibilities of Kigali City.

At the time of preparing this report, the Commission learnt that the problem of the water and sewage that used to come from the “Estate 2020” Collective Settlement has been settled because a network of canals has been laid down and a generator has been installed to provide electricity in case of emergency. The problem that remains is that sometimes there is no fuel for the machine and toilet wastes come out untreated and this affects the lives of the citizens.

The Commission observes that Kigali City had been careless about a serious problem for the inhabitants of Gacuriro and they continued to be denied their right to decent environment according to the provisions of Article 49 of the Constitution of the Republic of Rwanda.

The Commission takes this opportunity to request that in planning the construction of houses, there should first be planning for all necessary facilities to avoid later problems for the citizens.

2. The case of people shifted by landside from Bweyeye to go and live in Bugarama.

On 17th May 2005, the Commission started following up upon its own initiative, the case of the welfare of the people who were made to live in Kibangira camp which is situated in the former Gombaniro Cell, Kigangira Sector, Bugarama District in Cyangugu Province. 231 families comprising 830 members were made to live in the said camp in 2003. The families had come from Bweyeye District after their houses and property had been destroyed by the landslide. There were added 10 families of refugees returning from Congo and Burundi.

The Commission found these people having problems relating to living conditions, including food and children being expelled from primary schools due to lack of school fees. The people living in this camp informed the Commission that they had been told that their stay there was temporary and that they would be shifted to another place, thus they were not authorised to engage in any lasting activity on that land.

The Commission reported all these problems to the leadership of Bugarama District. It discussed the matter with Mr. NGIRIMANA Gédéon, the Assistant Mayor of the District in charge of Social Welfare. He told the Commission that the District was already aware of the living conditions of these people.

On 16th August 2005, the Commission visited again the Kibangira camp and found that the problems remained unsolved. As part of calling for rescue of these people, on 22nd June 2005, the Commission wrote a letter to the Governor of Cyangugu Province and reserved a copy to the Minister of Local Government, Good Governance, Community Development and Social Affairs.

The Commission explained to him the main issues relating to the respect of the rights of these displaced people, such as the rights of children to free primary education (Article 40 of the Constitution, paragraph 4), the right to necessary welfare especially for the indigent as well as the other vulnerable groups (Article 41 of the Constitution) and the right to a healthy and satisfying environment (Article 49 of the Constitution, paragraph one).

The Commission also explained him that to the Commission's opinion, the problems requiring immediate solution were: finding a temporary shelter (tents) for these people, to protect them against rain, finding for them somewhere to live freely, to find solution to the children being expelled from primary school due to lack of school fees, to find them means to get medical treatment and getting them food.

In September 2005, the Governor of Cyangugu Province chaired a meeting at the headquarters of Bugarama District, which brought together a representative from the National Police, the leader of the Army at Provincial level, the Mayor of Bugarama District and his Assistant Mayor in charge of Social Welfare, and the School Inspector in Cyangugu Province, five people representing those living in Kibangira camp. The National Commission for Human Rights was also represented at this meeting which took the following decisions :

- To let the children get primary education free of charge ;
- To provide the most needy with tents (sheeting) as regards shelter ;
- To distribute plots among those people on the land where they were temporarily living ;
- To share out iron sheets starting with those who will have already raised houses ;
- To give to Mutual Health Insurance Fund the money provided by donors to help the destitute to get medical services.

At the time of preparing this report, the Commission learnt that some of these decisions had been implemented but the problem of a living place was still a big one. The Commission requests the authorities informed of this issue to do justice to these citizens because it is three years now that they are without shelter and yet this is one of the fundamental human rights.

L. The Right to Health.

1. The case of SHUMBUSHO Garasiyani.

On 22nd March 2005, SHUMBUSHO Garasiyani, a resident of the former Nyagatero Cell, Gashonga Sector, Gashonga District in Cyangugu Province, wrote to the Commission saying that on 21st November 2003, the Gatagara Hospital amputated his foot without notifying him whereas he had gone there to have the foot straightened up.

This case has been explained in details by the Commission in its annual report for the year 22004¹⁶. The management of Gatagara Hospital was willing that the Commission brings them in contact with SHUMBUSHO Garasiyani to have the matter settled in a friendly way, and if this is not possible, then they would be brought before the court.

On 4th October 2005, the Commission brought together both parties at Gatagara Hospital. The management of the hospital, represented by Brother NGENDAHIMANA Célestin accepted to continue providing free medical treatment to SHUMBUSHO Garasiyani and to meet his travel expenses because he had left the hospital without being discharged and yet he had not been given all treatment prescribed.

SHUMBUSHO Garasiyani agreed to get the treatment but refused the sum equivalent to five hundred thousand francs (500,000 Frw) offered to him by the management of the hospital as an assistance to help him return to normal life. On his side, he claimed six million francs (6,000,000 Frw).

When the Commission found that the mediation of two parties was not possible, it advised them to go to court and have their dispute settled there.

M. Denial of the Right to Worship

1. Closure of the Churches of “Communauté Méthodiste Unie Internationale” Church.

On 12th October 2005, on behalf of Pastor KABERUKA Jupa, Legal Representative of the “Communauté Méthodiste Unie Internationale (CMUI)” Church who was on mission in America, Pastor SEKIMONYO Fidèle, Representative of the Church in the former Gisenyi Province and Pastor NZABONIMPA Alexis, Representative of the same Church in Kigali City submitted to the National Commission for Human Rights the complaint regarding the denial of the right to worship, done to the believers of the said Church in Gisenyi Province.

In their complaint, they say that NTAWIYAHURA Jean Marie Vianney, who used to be a Pastor in the said Church had been stopped from church service, following some faults he had committed. After being stopped he pretended to be the Representative of the Church whereas the Legal Representative of the Church was Pastor KABERUKA Jupa. NTAWIYAHURA Jean Marie Vianney decided to disrupt the churches until some of them were closed down. Closed down were the Church of Kigufi in the former Nyamyumba District, that of Gasiza and Gacurabwenge in the former Cyanzarwe District and another place where worship was conducted in the open, in the former Kanama District.

From 25th to 27th October 2005, the Commission consulted with complainants, the accused, the Governor of the Province, BARENGAYABO Ramadhan, the Chief of the Police in Gisenyi Province, Superintendent RUTAYISIRE Etienne, those mentioned in the letter submitting in the complaint and the Commission even visited the churches that had been closed down. The Commission also had talks with inhabitants belonging to other denominations who lived near the said churches.

¹⁶ Commission's annual report for 2004, p. 83-84

Investigations indicated that :

- Pastor KABERUKA Jupa is the recognized Legal Representative of CMUI Church at national level;
- There is a group of people who under the leadership of NTAWIYAHURA Jean Marie Vianney went to disrupt the churches so that they be closed down ;
- The orders to close down these churches were given by the Governor of the Province, BARENGAYABO Ramadhan and the Chief of Police in the Province, Superintendent RUTAYISIRE Etienne. They did no investigations to have the files submitted to the Prosecutor's Office and the Court so that these could decide on the closure of the churches;
- There are churches which were closed down and yet no misunderstandings had taken place there, such are the Church of Gasiza and that of Gacurabwenge.

The Commission finds that the followers of CMUI Church have been denied the rights given to the citizen by the provisions of the following laws:

- Article 33 of the Constitution of the Republic of Rwanda of 4th June 2003 which stipulates: *"Freedom of thought, opinion, conscience, religion, worship and the public manifestation thereof is guaranteed by the State in accordance with conditions determined by law"* ;
- Article 18 of the International Covenant on Civil and Political Rights, ratified by Rwanda, which stipulates: *"Everyone shall have the right to freedom of thought, conscience and religion; this right shall include freedom to have or to adopt a religion of belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching"* ;
- Article 8 of the African Charter on Human and People's Rights which provides for these rights in these terms: *"Freedom of conscience, the profession and free practice of religion shall be guaranteed. No one may, subject to law or order, be submitted to measures restricting the exercise of these freedoms"*.

It was in this connection that the findings of the investigations were discussed between the Commission and the administrative authorities, as well as the Police authorities concerned by this issue, and the Commission requested that no churches should be closed anymore and that even those closed down should be reopened. The Commission requested the leadership of the province to pursue those responsible for the disruption because they are known, as well as all the people who form dubious groups like NTAWIYAHURA and his accomplices. The leadership of the province agreed that it was going to solve these problems.

At the time of preparing this report, the Commission learnt that the Church of Kanama had been reopened on 29th December 2005, those of Gacurabwenge and Gisiza were reopened on 6th December 2005 whereas the Church of Kigufi is not yet reopened for unknown reasons.

In order to find permanent solution to this problem, the Commission is of the opinion that the Ministry in charge of Local Government, the Ministry of Internal Security, the Ministry of Justice and the National Police should examine what is provided for by the law and this should be adhered to.

The Commission also requests that a decision like this one of closing down churches should be taken by the court.

N. Monitoring of Human Rights respect in Gacaca Courts.

During the year 2005, in monitoring human rights respect in Gacaca Courts, in accordance with the Organic Law n° 16/2004 of 19th June 2004 determining the organisation, powers and functioning of the Gacaca Courts, the Commission followed up the functioning of these courts in 811 cells during the phase of collecting information. During the phase of model court proceedings, the Commission followed up cases in 89 sectors out of 118 which operated in all provinces and Kigali City. The Commission found that in the courts it followed up, human rights were respected at 94%.

The Commission also indicated some of the major achievements of Gacaca Courts, areas which should be improved and supported, shortcomings as well as problems facing Gacaca Courts and it gave recommendations to the National Service in charge of the Gacaca Courts.

1. Respect of Human Rights in Gacaca Courts.

In general, the rights of the witnesses, the survivors, those accused and all those involved in Gacaca Courts were respected. Security in Gacaca Courts, the response on the part of both the people and the leaders played a role in the smooth running of these courts in the sectors followed up by the Commission. However, there are still various problems indicating violations of human rights which should be given attention with a view to correcting them. Among these, mention could be made of murder, beatings and injuries, threatening language, threatening tracts, destruction of properties of witnesses and survivors, denial of speech and unlawful imprisonment.

a. Murder

- **In the former Gisenyi Province.**

On 19th November 2005, in the former Kana Cell, Shyira Sector, Gasiza District, a woman by the name of NYIRANEZA Virijiniya, a survivor was murdered, and she was witnessing in Gacaca Courts. The criminals were taken to court and were sentenced.

- **In the former Gitarama Province.**

In the former Kirega Cell, Kigese Sector, Kamonyi District, a survivor woman called MURERUKUZE Beretirida was murdered by her husband called NIYONSABA Jean-Pierre who had been released temporarily in 2003. He killed her because he feared she would give witness against him for having killed his father and mother-in-law. NIYONSABA Jean-Pierre was re-arrested and put back into prison.

b. Beatings and injuries.

- **In the former Gitarama Province.**

In the former Gitarama Town, Karama Sector, Gihembe Cell, a witness called BANGAMWABO Vital was beaten by RUSAGARA Paul and MINANI Emmanuel because he had given witness against the Coordinator of the Sector by the name of HABYARIMANA Faustin. This took place during the meeting of 9th March 2005. The Seat requested the security authorities to keep a watchful eye on the victim.

In the former Ruyumbu District, Nyarubaka Sector, Gasereke Cell, a widow called NASABWE was attacked by some people in the night of 9th March 2005; they injured her daughter named UWISIZE Marie Goretti. Among the attackers they could identify MUNYANEZA Oswald, and he has been locked up in Gitarama Prison.

In the former Ntenyo District, Buhoro Sector, Ntinyinshi Cell, a witness called NYIRABAMBARI Emerita was beaten up by two men, BIZIMANA Thomas and RWANYONI Pascal on account that she had given witness. This happened in June 2005. These people have never been pursued.

In the former Gitarama Town, Gatenzi Sector, Kamanga Cell, on 12th June 2005, HAKIZIMANA Boniface, a survivor, was clubbed by Vénuste nick-named RWABUGIRI who had been released temporarily. The reason was that HAKIZIMANA had given witness against him. He was rearrested and jailed in Gitarama Prison.

- **In the former Gikongoro Province.**

In the former Karaba District, Gitega Sector, Munyereri Cell, in the night of 17th March 2005, an elderly woman called KANZIGA Melesiyana was attacked and beaten; the attackers pulled on her tongue saying she should not witness against them any more. Those who did this were arrested and thrown into prison. These were: NSENGIYUMVA Cyprien, NYIRIMIHIGO Fabien, NTISERUKA Callixte and NSHIMYUMUREMYI Boniface.

- **In Kigali City.**

In the former Kanombe District, Kanombe Sector, Ayinsanga Cell, UWAMALIYA Concessa was beaten by KIRUNDI Samuel on 21st July 2005, a few days after she had witnessed against him for having been involved in the genocide. The matter was reported to Kanombe Police Station.

c. Threatening language.

- **In the former Gisenyi Province.**

In the former Mutura District, Cyambara Sector, Gaturo Cell, BIGIRIMVANO who repented and admitted his guilt mentioned those who had done with him the killings namely, DUSHIMIRE, MIRIMO and NYIRAMPİRIMA. They told him that his mouth would take him no where. This issue was followed up

by the local leadership and the District authorities in the meeting of 25th October 2005 who gave a warning to those who threatened BIGIRIMVANO and all the witnesses in general.

- **In the former Kigali Ngali Province.**

On 26th May 2005, in the former Shyorongi District, Kanyinya Sector, MUKANTAGARA Donata sought protection before the Gacaca Court, saying that MUNYAKAZI Patrice and KANYENTARO François keep on telling her that they will hang round at loggerheads with her because she had given witness against them. The Seat gave warning to the accused, telling them they should change their behaviour.

- **In the former Cyangugu Province.**

In the meeting of 23rd June 2005, in the former Impala District, Giheke Sector, one named NYIRANDAGIJIMANA inquired from one BUREGEYA where her father had been killed. He replied her by asking her whether she and the others who survived would not die as well. The Police arrested him immediately, prepared his case file and he was thrown into prison.

In the former Nyamasheke District, Mubumbano Sector, Mikingo Cell, one named NKUSI Félicien witnessed against SEMPUNDU Anicet in the Gacaca Court meeting of 27th October 2005. The latter then threatened him saying that what he said would cost him his life. The Seat of Mubumbano Court requested the participants to be patient with one another, that they should not utter threatening words, and that anyone found doing so will have punitive measures taken against him.

- **In Kigali City.**

In Kigali City, the former Kanombe District, Nyarugunga Sector, Nyarugugu Cell, a witness MUKANDAHIRO Florence was attacked at her residence by KURADUSENGE Joseph on 27th April 2005, asking her why she was witnessing against him. The Court Seat gave warning to KURADUSENGE asking him not to continue harassing MUKANDAHIRO Florence.

d. Threatening tracts addressed to witnesses and survivors.

- **In the former Kibuye Province.**

In the former Rutsiro District, Rukarata Cell in the meeting of 23rd June 2005, MUNYAMBARAGA Sirilo, a survivor, showed to the Court Seat a tract warning him that if he did not stop witnessing against people and causing them to be imprisoned he would be killed. The said tract was forwarded to the Police for investigations and so that MUNYAMBARAGA's security is ensured.

- **In Kigali City.**

In the former Kanombe District, Kanombe Sector, Samuduha Cell, a witness named KAMUHANDA J.Paul received a tract informing him that he would be killed and the tract was read in the Gacaca meeting of 2nd June 2005. The leadership took a decision to protect him.

e. Denial of speech.

Being allowed speech is the right of everyone at Gacaca Court meeting. This right was generally respected, but in a number of courts, the Seat refused speech to some people who requested it and this is against the principles provided in the procedure of collecting information required in Gacaca Courts.

- **In the former Gikongoro Province.**

In the former Karaba District, Kibingo Sector, Mugombwa Cell, refusal of speech happened in the meeting of 6th September 2005, whereas in Gikongoro Town, Gikongoro Sector, Murico Cell, it happened in the meeting of 15th September 2005.

- **In the former Kibungo Province.**

In the former Kibungo Town, Kibungo Sector, Karengye Cell, this happened in the meeting of 26th July 2005.

- **In the former Byumba Province.**

In the former Rwamiko District, Karushya Sector, Karushya Cell, it happened in the meeting of 29th July 2005.

- **In the former Butare Province.**

In the former Butare Town, Butare Sector, Mamba Cell, it happened in the meeting of 27th July 2005.

- **In the former Gitarama Province.**

In the former Ntongwe District, Rutabo Sector, Runzenze Cell, this took place in the meeting of 22nd September 2005.

f. Destruction of properties, burning of people's houses and throwing stones on house roofs.

The act of destroying properties includes burning and destroying houses, throwing stones on house roofs, butchering domestic animals and uprooting crops.

- **In the former Gitarama Province.**

In the former Ruyumba District, Nyamiyaga Sector, Bumbogo Cell, a witness named RWABUGABO had his house burnt down in the night of 4th May 2005. The suspects of the crime are people who were involved in genocide together with him and whom he had witnessed against. These were arrested and thrown into prison.

In the former Ntenyo District, Kamusenye Sector, Gakomeye Cell, a witness RUTAYISIRE Etienne was attacked in the night of 11th March 2005 and 21st March 2005 and had his house destroyed while he was inside. The attackers could not be identified.

- **In the former Gisenyi Province.**

In the former Mutura District, Gakarara Sector, Bukinyana Cell, a man called NSANZIMANA who had been released temporarily was attacked by people he couldn't identify on 27th September 2005, and they burnt down his mattress and clothes. He guessed this was done by people he witnessed against when he repented.

- **In Kigali City.**

In the former Kacyiru District, Remera Sector, Bibare Cell, KAREKEZI Ladislav sought protection during the meeting of 22nd April 2005, saying that on 9th April 2005, the ten Cell leader KAYIRANGA Raphaël had thrown stones on his house on the account that he had given witness against him. The Police immediately took up the matter.

- **In the former Kibungo Province.**

In Rwamagana Town, Rwigyira Sector, Kabuye Cell, on 17th May 2005, some people came at night to the house of witness KURUMUSANGE Déogratias and destroyed his fence, cut the feet of three cows and then injured his dog. The people who did this are not yet known.

- **In the former Kibuye Province.**

On 23rd June 2005, in the former Rutsiro District, Rukaragata Sector, MUNYANEZA Augustin gave witness against some people and that very night some unknown people uprooted his crops. He was later compensated by all inhabitants of the cell on the request of the Governor of the Province and the Mayor of the District.

In the former Kibuye Town, Gacaca Sector, Nyambuye Cell, on 15th July 2005, a woman called NZABANITA gave information at an information-collecting meeting. Unknown people spent the night cutting down her banana plantation.

2. Respect of the Organic Law n° 16/2004 of 19 June 2004 determining the organisation, powers and functioning of the Gacaca Courts.

In general, the Law n° 16/2004 of 19 June 2004 establishing the organisation, powers and functioning of the Gacaca Courts and directives were respected, but some of the dispositions of this Organic Law were not observed as it is shown in the following paragraphs.

a. Not recording all the information given.

In a number of courts, the information given was not all recorded. Additional information given during confirmation of information also was not recorded in some places. This omission of information is contrary to the provisions of the procedures of collecting information required in Gacaca Courts which stipulate that *“The Secretary shall record all the information given during the General Assembly sessions in the appropriate notebook called the Notebook of Activities, and this information shall be read to the General Assembly, and shall bear the signature or fingerprints of informants and those of the members of the Seat”*. These irregularities were observed in the following former Provinces:

Butare: In the former Kiruhura District, Kabona Sector, Gikoro Cell, the ten-cell leader UWIBAMBE Apolinali refused to record that NTWALI Fabiyani went to the road block. This happened in the meeting of 29th September 2005.

Byumba: On 2nd September 2005, in the former Rwamiko District, Kabacuzi Sector, Matyazo Cell, the Secretary never recorded the information given. This same fault also happened on the same date in the former Rwamiko District, Kabacuzi Sector, Matyazo Cell where the Secretary never recorded the information that had been just given.

In the meeting of 9th September 2005, in the former Rwamiko District, Kabacuzi Sector, Nyamirambo Cell, the witness by the name of MUKANKUSI Christine, gave witness record of which was refused. She was ordered to put the witness on paper, which she did but still it was not put on record.

Gikongoro: In the former Gikongoro Town, Gasaka Sector, Nyantengo Cell, the local leader “Nyumbakumi” refused to record information given by MUKANKUSI Phoëbe in the meeting of 11th August 2005.

Kibungo: In the former Nyarubuye District, Gisenyi Sector, Kigufi Cell, the local leaders “ba Nyumbakumi” did not keep full record of information as it was given in the meeting of 10th August 2005.

Ruhengeri: In the meeting of 3rd August 2005, in the former Mutobo District, Busogo Sector, Busogo Cell, in the record book of the “Nyumbakumi” led by NZABARINDA, there are missing the names of those who died in the Cell, instead it is recorded there that nineteen tutsis were carried away by water.

Kigali City: In the meeting of 31st July 2005, in the former Kacyiru District, Remera Sector, Bibare Cell, the Head of Zone II (Chef de Zone II) was criticized for not having recorded the information given.

b. Refusal to give information or witness.

The question of refusing to give information or witness in Gacaca Courts is contrary to Article 29 of the Organic Law mentioned above which stipulates that: *“Any person who omits or refuses to testify on what he or she has seen or what he or she knows, as well as the one who makes a slanderous denunciation, shall be prosecuted by the Gacaca Court which makes the statement of it”*. This problem was observed particularly in Kigali City, in the former Districts of Gikondo, Kacyiru, Nyarugenge and Kanombe.

Other places where this problem was observed include Gitarama Province, in Ruyumba District; Butare Province in the former Kibingo District and Butare Town; and in Gikongoro Province, the former Karaba District and in Gikongoro Town.

c. Not reading the information collected before setting signature to it.

There are some places where the information given was never read to those who gave it before signing the document containing the information. This is contrary to the provisions of the Article 65 (g) of the Organic Law mentioned above which stipulates: *“The secretary of the Court reads the statement of hearing; the Court checks the conformity of its content with the declarations and, if need be, the statement of hearing is corrected”*. This was observed especially in the following former Provinces:

Butare: In the meeting of 9th August 2005, in the former Save District, Gatoki Sector where all the cells comprising the sector had assembled, the information given was not read out.

In the former Nyakizu District, Mwoya Sector where all the cells had come together to hear the information given by those released from prison, in the meeting of 31st August 2005. At that time, the information given was not read out.

Kibuye: On 6th September 2005, in the former Rusenyezi District, Mubuga Sector where all cells had been assembled, the information given by prisoners released temporarily was not read out.

Kigali Ngali: On 8th September 2005, in the former Kabuga Town, Ayabaraya Sector, Ayabaraya Cell, the information given was not read out.

Cyangugu: On 14th July 2005, in the former Cyangugu Town, Kamembe Sector, Umuganda Cell, the information given was not read out.

d. Not making witnesses to sign.

Certain courts did not make the witnesses sign. This is contrary to Article 65 (i) of the Organic Law mentioned above which stipulates: *“The parties to the trial and all the others who took floor during the hearing, together with the members of the Seat, put their signatures or fingerprints on the statement of hearing”*. This was observed in the courts of the following former provinces:

Kibungo: On 28th September 2005, in the former Mirenge District, Karemba Sector when all cells had come together, the witnesses were not made to sign.

In the meeting of 2nd July 2005, in the former Rushaki District, Butozo Sector in Centre Mulindi Cell, here too the witnesses were not made to sign.

Umutara: The question of not making the witnesses to sign was observed in the meeting of 7th September 2005, in the former Kabare District, Cyenjojo Sector, Mushaki Cell.

This was also observed in the meeting of 28th June 2005, in the former Kahi District, Mukarange Sector, Sata and Kanteri Cells.

e. Disappearance of notebooks of activities.

The place where attempt to make disappear the notebooks activities is recorded is in the former Ruhengeri Province, Cyeru District, Kumubuga Sector.

f. Tearing pages from the notebooks of activities.

There are places where tearing of pages from the notebooks of activities was observed. This problem was observed in the former Ruhengeri Province, Kajwi Sector, Gatara Cell and in the former Kibuye Province, Rusenyi District, Mubuga Sector, Bikenke Cell.

g. Not making witnesses to swear before they give their witness.

This problem was observed in the former Ruhengeri Province, Bukonya District, Tandura Sector in Mataba Cell as well as Gakenke Sector, Rubona Cell. It was also observed in the former Cyeru District, Kamubuga Sector in Kamubuga Cell.

h. Disregard of the eight guidelines regarding taking the floor.

The eight guidelines concerning taking the floor which are included in the procedures of collecting information needed in Gacaca Courts were respected in general but in certain Gacaca Courts they were not. One can mention especially in the former Gisenyi Province, the former districts here below:

- Cyanzarwe District, Rugero Sector, Rugero Cell;
- Gasiza District, Nanga Sector, Cyamabuye Cell;
- August District, August Sector, Mahoko Cell;
- Nyamyumba District, Munanira Sector, Bwitereke Cell;
- The former Mutura District, Nyamirango Sector, Mareru Cell, and Kanzenze Sector, Kanyirabigogwe Cell.

i. “Persons of Integrity” (Inyangamugayo) accused but who were not dismissed from the Seat.

There are some “Persons of Integrity” who have been accused of having behaved in a manner contrary to the provisions of Article 14 of the Organic Law mentioned above and yet have not been dismissed from the Seat.

This problem was observed in the former Gisenyi Province, Cyanzarwe District, Rugero Sector, Rugero Cell and the former Mutura District, Nyamirango Sector, Mareru Cell. The other place where this problem was observed is the former Ruhengeri Province, Cyeru District, Kamubuga Sector, Kamubuga Cell.

- **Conclusion.**

At this time when Gacaca Courts are entering the phase of case trials for the suspects of genocide crimes, it is necessary that the breaches observed be corrected so that the following phases could be conducted more smoothly and that respect of human rights is observed.

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3.5. VISITING DETENTION PREMISES AND CHECKING WHETHER THE RIGHTS OF DETAINEES THEREIN ARE SECURED (Article 3 [g])

3.5.1. Introduction.

With a view to following up the respect of the detainees' rights, the Commission visited cells and prisons in all the provinces and in Kigali City from June to August 2005.

The Human Rights Principles provide that the conditions of people's detention should not be a cause of additional suffering to the detention itself and negative effects resulting from detention should be minimized if not eradicated altogether. That is why a country having people in detention has the following responsibilities:

- to do everything possible so that the detainees have living conditions close to those they were usually living in;
- to allow visits to prisons as well as any other detention premises;
- to detain people in known places, prescribed by the law;
- to draw special attention to special categories of detainees: children, women, foreigners, people with mental diseases and narcotic victims.

3.5.2. Items that were to be observed.

In visiting prisons and cells, the Commission examined particularly the detainees' welfare and their files.

Concerning the detainees' welfare, the Commission wanted to know whether they were being properly fed, if their detention place is clean, if they get medical services, if their premises have enough fresh air and light, whether they receive visits and whether they enjoy any entertainments, whether they are not tortured.

Regarding the detainees' files, the Commission wanted to see if there were not detainees declared innocent by the courts or who have served their sentence and yet have not been released, and those detained before their files have been prepared. The Commission was also examining whether the period prescribed for temporary detention is respected, as well as the period within which Judicial Police Officers should submit the files to Prosecutors.

In its visits to prisons and cells, the Commission points out to the wardens or the staff it finds there, the different problems it finds there with a view to advising them so that corrections could be made, thus ensuring respect of detainees' rights.

3.5.3. Cells visited.

Province	Cells visited	Date of visit	Number of detainees
Gikongoro	Kaduha Station	19 th July 2005	15
	Munini Station	21 st July 2005	3
	Gikongoro Town Station	22 nd July 2005	21
	Musange Post	19 th July 2005	8
	Karambo Post	19 th July 2005	8
	Musebeya Post	20 th July 2005	6
	Mushubi Post	20 th July 2005	4
	Karaba Post	20 th July 2005	5
	Mudasoma Post	20 th July 2005	4
	Kinyamakara Post	20 th July 2005	0
	Remera Post	21 st July 2005	0
	Nshili Post	21 st July 2005	29
	Mubuga Post	21 st July 2005	6
	Rwamiko Post	21 st July 2005	0
Gisenyi	Nkamira Station	21 st July 2005	9
	Gisenyi Station	13 st July 2005	23
	Ngororero Station	14 th June 2005	8
	Kabaya Station	14 th June 2005	2
	Kageyo Post	14 th June 2005	0
	Nyagisagara Post	14 th June 2005	13
	Ramba Post	14 th June 2005	0
	Gaseke Post	15 th June 2005	0
	Gasiza Post	15 th June 2005	11
	Karago Post	15 th June 2005	0
	Kayove Post	15 th June 2005	5
	Nyamyumba Post	15 th June 2005	8
	Shyira Post	12 th July 2005	1
	Mutura Post	12 th July 2005	8
	Kantwari Post	12 th July 2005	0
	Kanama Post	13 th July 2005	9
Cyanzarwe Post	14 th July 2005	3	
Kibungo	Kibungo Town Station	12 th July 2005	6
	Rwamagana Station	13 th July 2005	10
	Kabarondo Station	13 th July 2005	3
	Muhazi Post	12 th July 2005	4
	Kigarama Post	12 th July 2005	3
	Munyaga Post	12 th July 2005	0

	Kayonza Post	13 th July 2005	0
	Gishari Post	13 th July 2005	0
	Rukira Post	13 th July 2005	1
	Nyaribuye Post	14 th July 2005	1
	Rusumo Post	13 th July 2005	5
	Cyarubare Post	14 th July 2005	6
	Mugesera Post	14 th July 2005	1
	Mirenge Post	14 th July 2005	0
Byumba	Byumba Town Station	14 th and 28 th June 2005	34
	Ngarama Station	29 th June 2005	8
	Rebero Post	15 th June 2005	2
	Rushaki Post	14 th June 2005	3
	Bungwe Post	14 th June 2005	3
	Kisaro Post	16 th June 2005	1
	Kinihira Post	16 th June 2005	3
	Rwamiko Post	29 th June 2005	0
	Humure Post	29 th June 2005	6
	Gituza (Mugera) Post	30 th June 2005	0
	Mimuli Post	30 th June 2005	0
Gitarama	Ruhango Station	13 th July 2005	11
	Nyamabuye Station	13 th July 2005	26
	Ntenyo Post	12 th July 2005	17
	Kabagari Post	12 th July 2005	15
	Taba Post	19 th July 2005	12
	Ntongwe Post	13 th July 2005	14
	Musambira Post	14 th July 2005	10
	Ruyenzi Post	19 th July 2005	3
	Kayumbu Post	19 th July 2005	2
	Rutobwe Post	20 th July 2005	0
	Ndiza Post	20 th July 2005	10
	Nyakabanda Post	20 th July 2005	2
	Muhanga Post	20 th July 2005	4
	Mugina Post	21 st July 2005	23
Umutara	Nyagatare Station	15 th June 2005	6
	Karangazi Station	16 th June 2005	6
	Murambi Station	4 th August 2005	28
	Matimba Post	14 th June 2005	4
	Bugaragara Post	14 th June 2005	2
	Muvumba Post	15 th June 2005	0
	Gabiro Post	16 th June 2005	2

	Rukara Post	4 th August 2005	18
Butare	Busoro Station	14 th July 2005	10
	Huye Station	15 th July 2005	51
	Nyanza Station	15 th July 2005	15
	Gikonko Station	14 th July 2005	4
	Kibingo Post	14 th July 2005	19
	Nyakizu Post	14 th July 2005	3
	Nyaruhengeri Post	15 th July 2005	7
	Maraba Post	15 th July 2005	4
	Muganza Post	15 th July 2005	2
	Kibayi Post	15 th July 2005	4
	Karama Post	15 th July 2005	1
	Rusatira Post	15 th July 2005	20
	Mbazi Post	15 th July 2005	2
	Ntyazo Post	14 th July 2005	7
	Gakoma Post	14 th July 2005	5
	Save Post	14 th July 2005	4
Ruhengeri	Bukamba Station	19 th July 2005	8
	Ruhengeri Town Station	19 th July 2005	0
	Nyarutovu Station	21 st July 2005	4
	Groupement Ruhengeri	20 th July 2005	15
	Nyamugali Post	19 th July 2005	1
	Cyeru Post	19 th July 2005	11
	Butaro Post	19 th July 2005	5
	Buhoma Post	19 th July 2005	1
	Cyabingo Post	20 th July 2005	2
	Gatonde Post	20 th July 2005	0
	Ndusu Post	20 th July 2005	0
	Mutobo Post	20 th July 2005	4
	Ruhondo Post	21 st July 2005	1
	Nyakinama Post	21 st July 2005	1
	Nyamutera Post	21 st July 2005	0
Kigali Ngali	Nyamata Station	12 th July 2005	28
	Kabuga Station	19 th July 2005	31
	Rushashi Station	21 st July 2005	4
	Ngenda Post	12 th July 2005	25
	Gashora Post	13 th July 2005	6
	Bicumbi Post	14 th July 2005	15
	Gasabo Post	19 th July 2005	4
	Rulindo Post	20 th July 2005	0
	Buliza Post	20 th July 2005	2
	Shyonggi Post	21 st July 2005	4
Ndera Post	19 th July 2005	1	
Kibuye	Rusenyi Station	15 th June 2005	16

	Kibuye Town Station	16 th June 2005	150
	Budaha Post	14 th July 2005	7
	Gisunzu Post	14 th June 2005	0
	Rutsiro Post	14 th July 2005	--
	Itabire Post	16 th June 2005	3
Cyangugu	Rwesero Station	21 st June 2005	3
	Gatare Station	21 st June 2005	11
	Ntendezi Station	21 st June 2005	6
	Gafunzo Station	27 th July 2005	3
	Kamembe Station	29 th July 2005	13
	Nyamasheke Post	21 st June 2005	4
	Gishoma Post	22 nd June 2005	6
	Bugarama Post	22 nd June 2005	17
	Nkombo Post	27 th July 2005	2
	Gatsiro Post	27 th July 2005	0
	Nyakabuye Post	28 th July 2005	2
	Bugarama Post	28 th July 2005	2
Kigali City	Remera Station	16 th June 2005	-
	Kicukiro Station	17 th June 2005	-
	Nyamirambo Station	17 th June 2005	-
	Gikondo Station	17 th June 2005	-
	Muhima Station	17 th June 2005	-
	Butamwa Station	18 th June 2005	4
	Gisozi Station	18 th June 2005	2
	Kanombe Station	8 th July 2005	-
	Kanombe Military Police	8 th July 2005	-
	Kabeza Post	8 th July 2005	-
	Gatsata Post	11 th July 2005	0
	Gikondo detention place for those considered as vagabonds	12 th July 2005	820

In general, what was observed by the Commission is that in these cells the detainees receive visits, get medical services and are fed by their respective families, except for the so-called vagabonds detained at Gikondo where this is done by Kigali City.

In these cells, some detainees are kept in unclean cameras due especially to lack of water and to the fact that the buildings are old. Mention could be made of the cell of the Police Post at Gisunzu in Kibuye which has a leaking roof during rainy seasons, because the iron sheets are old; the cell of the Police Post at Muyaga (Kabarondo), in the former Kibungo Province, which consists of a small muddy hut and the cell of the Police Post of Nyarubuye, Kibungo Province, where the detention place is with unpaved floor and yet there is a lot of dust.

The Commission noticed also that there were cells without enough fresh air and light because the doors and windows are made of wood and are supposed to be closed all the time; such include the cell of the Police Poste of Gatara, that of Gashonga as well as the cell of the Police Post at Kamembe, in the former Cyangugu Province.

Regarding food being brought to detainees and their access to medical services, the Commission noticed that some detainees have no one to bring them food and others who fall sick but get no treatment because their families live far away from the detention places. However, what was clear to the Commission is that those who manage to get food from their families share it with others.

With regard to the detainees' dossiers in general, the Commission found that the reforms made in the judiciary in 2004 was clearly effective as regards respect for the law governing arrest and detention. However, the Commission noticed that disregard of the periods prescribed for temporary detention, detention without files, or delays in the preparation of criminal case files are still observable in certain cells. Examples are the detention places for the so-called vagabonds at Gikondo in Kigali City. All those detained there had no document authorising their detention.

In those cells visited, some of the problems observed were mostly caused by the small number of Judicial Police Officers, inadequate means to reach the site of the crime and insufficient facilities.

The Commission requests the authorities responsible for arrests and detentions that nobody should be detained before his file is prepared and that the period prescribed by the law for file preparation should be respected except for reasons provided by the law.

The Commission finds that the detention centre for the so called vagabonds at Gikondo should not serve as a detention place because this is contrary to what is provided for by Article 88, 1° of the Law n° 13/2004 of May 2004 relating to the code of criminal procedure.

The Commission also observes that the Judicial Police Officers in the National Police should be given more means because it noticed that the delay in preparing the case files is mostly due to the small number of Judicial Police Officers and to insufficiency of their facilities.

3.5.4. Prisons visited.

Prisons visited	Date of visit	Number of detainees	Capacity
Gikongoro Prison	19 th July 2005	4148	500
Gisenyi Prison	16 th June 2005	2581	700
Miyove Prison	28 th June 2005	1275	1000
Ntsinda Prison	12 th July 2005	12638	5000
Kibungo Prison	13 th July 2005	2986	1000
Gitarama Prison	26 th August 2005, 13 th and 14 th July 2005	9140	3500
Nyagatare Prison	15 th and 26 th August 2005	666	320

Karubanda Prison	16 th June 2005	11047	3500
Nyanza Prison	17 th June 2005	5205	3000
Mpanga Prison	17 th June 2005	7399	10000
Ruhengeri Prison	21 st June 2005	1844	1000
Rilirima Prison	12 th July 2005	6008	3500
Gisovu Prison	15 th June 2005	4.070	1500
Cyangugu Prison	23 rd June 2005	4.698	3500
Mulindi Prison	4 th August 2005	761	600
Kimironko Prison	16 th June 2005	5563	3500
Kigali Central Prison (1930)	17 th June 2005	5764	3500

In the prisons most of the prisoners are those charged with the crime of genocide. Others are imprisoned on account of ordinary crimes including murder, abortion, rape of women and girls, violence to children by raping them, light thefts, armed robbery, taking and selling narcotics, corruption, beating and injuring. What is clear in the prisons visited is that apart from the new Prison at Mpanga, most of them are old and some buildings serve as detention premises and yet they are not designed for this purpose. This has negative effect on the living conditions of detainees in general.

The detainees get proper food though some say it is not enough, like the women detained in Gitarama Prison or again young boys and girls in general. In particular, young children who stay with their mothers in prison do not get sufficient food ingredients necessary for their growth stage. There are also detainees with the problem of not getting food with sufficient nutrients and yet they are on HIV/AIDS therapy and, thus their health continues to deteriorate.

Except for Mpanga Prison, that of Miyove and many other prisons where children and women are detained which are clean, the other prisons are dirty. The dirt is due to insufficient water, few cleaning facilities, old buildings.

In the prisons visited, the Commission noticed that the most common diseases are malaria, respiratory diseases, diarrhoea, and AIDS. In all the prisons throughout the country, there are dispensaries and small pharmacies for emergencies where detainees with slight ailments go for treatment. Those with serious sickness go to main hospitals. In most cases hospitalisation and treatment costs for detainees are met by the Provinces or Kigali City, but there are certain places where the costs are met by their families, such as in Gisenyi and Miyove Prisons. In Gisovu Prison, after seeing that the sum allotted for treatment in the State Budget (2,000,000 Frw) was not enough for proper treatment, they established a Mutual Health Insurance. As for Nyagatare Prison, 324 prisoners out of 666 are already in Mutual Health Insurance.

Other problems related to non-treatment found at times in prisons are the following:

- Lack of means of transport to take sick people to main hospitals; this is observed especially in prisons situated far away from the main hospital, such as Rilirima, Gisovu and Nyagatare;
- 34 prisoners with mental diseases in Ntsinda Prison and other 8 in Miyove Prison have no means to go to the specialised hospital for treatment;

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- Deaths due to lack of treatment or to uncleanliness, this was observed in Rilima Prison where 61 people died, including 60% died of AIDS and 40% died of dysentery between January and August 2005;
 - Mixing patients suffering from ordinary diseases with those having contagious diseases (in Miyove Prison women's section, patients with malaria are mixed with those suffering from dysentery because the place is small);
 - Difficulties in taking AIDS tests and lack of Anti-Retrovirals, or for the few who access these medicines, lack of sufficient nourishment appropriate for their sickness.

Regarding recreation, the prisoners do not have sufficient recreational facilities. Most of the games are those played while seated, such as cards, traditional chess ("Igisoro), and the like... At Kimironko Prison, Kigali Central Prison (1930) and Ntsinda Prison, football is played whereas volleyball is played at Kimironko and Butare Prisons.

Regarding the case files of detainees in prisons, what the Commission observed is that after the reforms in the judiciary, in general the prisoners have Judges' order authorising their detention. Efforts have been made with regard to speeding up preparation of case files, respecting the law governing the pretrial detention, speeding up trial proceedings in court and completing properly the detainees' files. In all the prisons visited, there is no torturing of detainees. Culprits are given various types of punishment prescribed by the laws and directives.

However, it was clear to the Commission that in certain prisons, detainees still have problems relating to their case files. In Nyagatare and Gitarama Prisons, the Commission found people declared innocent by courts or having served their sentence and yet were not released. These are HARERIMANA Hassan and MUHIRE François who were supposed to be released on 16th June 2005 but by 26th September 2005 they were still in Nyagatare Prison. In Gitarama Prison, there were three people, namely SIBORUREMA Berchimas, MUKIZA Gaspard, who should have been released on 5th April 2005 and TWAGIRAYEZU Ezira, supposed to be released on 7th July 2005.

Concerning the problem relating to the period for pretrial detention, the Commission found that in certain prisons, there were people who overstayed in pretrial detention. This was observed in:

- The Mulindi Military Prison where there were eighteen (18) detainees both military and civilians who had been staying there for more than six months;
- Ntsinda Prison had eleven detainees who had not appeared before the Council of Judges;
- Butare Prison had 670 detainees (including 644 men and 26 women) with a warrant for preventive detention issued by the Public Prosecution whereas the law provides for an order for preventive detention issued by a judge or a magistrate.

In all the prisons visited there were found a few people detained by the order issued by the magistrate but who were not brought back before the Council of Judges to have their preventive detention period extended.

In certain prisons, the Commission noticed that there are people who go to court but are not informed of the ruling concerning their case, it takes long before they are tried. Examples are 19 detainees in Nyagatare Prison who have been tried in court but the ruling has not yet been made. In

Kibungo Prison, NIYONSENGA Donatilla has spent 5 years and 7 months in detention without the court ruling being made and yet her trial was in 2003.

The Commission found further that in Rilima Prison, detainees who had been sentenced to death were not given equal chances with the other detainees, to be taken to the main hospital for treatment.

The Commission finds that overpopulation in small or old buildings existing in many prisons is the source of improper living conditions. The Commission also requests that the prison authorities find blankets for the detainees because in most prisons they do not have them and where they are, one finds that they are very old and this could be the cause for respiratory diseases.

3.5.5. Specic issues regarding Women and Children.

During its visits to prisons, the Commission examined in a particular manner the rights of children and women. It found that the leadership of the prisons try to respect these rights: the children are detained in special places of their own, and there they learn how to read and write together with various skills. Besides the problems they share with adults, children have their own special problems as follows:

- The rights given to children by Article 186 of the Law n° 13/2004 of 17 May 2004 relating to the code of criminal procedure, are not respected, where the law provides that: “A judicial police officer or a public prosecutor, through investigation gather all the evidence concerning the status of the life of the child, his or her education and school life and the manner in which he or she was brought up...”;
- Children are denied the right to be tried within reasonable time, mostly due to lack of the assistance of an advocate in court;
- In certain prisons and cells, children are detained together with the adults, but mostly young girls who are detained together with women;
- Children who stay with their mothers in prison do not get the diet appropriate for their stage in growth; they are not kept clean nor given appropriate medical care. This problem is a very serious one in the detention centre for the so-called vagabonds at Gikondo.

Regarding the rights of women, the Commission noticed that in most prisons detention places for women are better compared to those for men. This is because their density is not exaggerated.

However, lack of cleaning facilities is a serious inconvenience for them given their nature. This is observable in Kibungo Prison. In Gitarama Prison, besides the general uncleanness that characterises the prison, women are detained in a building with a leaking roof during rainy seasons. Another general problem that was observed is that breast-feeding mothers are not given any special diet.

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3.6. REQUESTING THAT ANY PERSON COMMITTING HUMAN RIGHTS VIOLATIONS BE PROSECUTED (Article 3 [i]).

In its annual report for 2004¹⁷, the Commission indicated that, for the accomplishment of the duty to lodge a complaint in court, some of the laws should be revised to have them comply with Article 177 of the Constitution.

In the year 2005, the Commission in collaboration with the Ministry of Justice drafted a Bill modifying and supplementing the Law n° 37/2002 of 31st December 2002, which bill has already been approved by the Government and is now in the Parliament. The said bill solves the problem relating to the powers of the Commission in the proceedings of criminal cases, thus enabling the Commission to file a complaint with the competent courts against people committing human rights violations.

3.7. COLLABORATING WITH HUMAN RIGHTS COMMISSIONS IN OTHER COUNTRIES, ASSOCIATIONS OPERATING IN THE COUNTRY AND INTERNATIONAL ORGANIZATIONS AS REGARDS HUMAN RIGHTS ACTIVITIES AIMING AT RESPECTING AND PROMOTING HUMAN RIGHTS (Article 3 [j]).

In the year 2005, the National Commission for Human Rights carried further collaboration with Human Rights Commissions in other countries, associations operating in the country and International Organisations as well as Governmental Institutions. This collaboration was observed in the activities aimed at protecting and promoting human rights. Among these activities, mention could be made for example, of consultative meetings, seminars and workshops attended by the Commission inside and outside the country, as well as the projects launched with the aim of promoting human rights and the Commission's capacity building.

3.7.1. Collaboration with Commissions in other Countries.

From 11th to 16th April 2005, the Commission attended the 61st Session of United Nations Commission for Human Rights which took place at Geneva in Switzerland; the Conference of the International Committee that coordinates the Commissions' activities at World level, and the Conference of the Coordinating Committee at African level, and the Board of the Association of National Commissions in French-speaking countries.

On the invitation of the Nigerian Human Rights Commission, the Commission attended the 5th Conference of National Human Rights Institutions in Africa, which took place at Abuja, Nigeria, from 6th to 12th October 2005. The theme of this Conference was "Economic, Social, and Cultural Human Rights". At that time, the Rwanda National Commission for Human Rights was elected Vice President of the Coordinating Committee of African National Human Rights Institutions. This position allows the Commission membership to the International Coordinating Committee at world level.

¹⁷ Commission's annual report for 2004, p. 87-89.

On the invitation of the Kenya National Commission for Human Rights, jointly with an Organisation called “South African Network on the African Court of Human Rights and Peoples’ Rights”, the Commission attended the Conference held in Nairobi, Kenya, from 7th to 10th April 2005. This Conference examined how obstacles against the immediate starting of the African Court of Human Rights and Peoples’ Rights could be removed, so that the objectives of the Covention establishing this Court could be achieved.

On the invitation of the Kenya National Commission for Human Rights, jointly with the “Raoul Wallenberg Institute of Human Rights and Humanitarian Law of Sweden, the Commission participated at a Conference organised at Nairobi, Kenya, from 6th to 8th April 2005. This Conference brought together representatives of the National Human Rights Institutions from Kenya, Uganda, Malawi, Zambia, Namibia, Nigeria, Rwanda, South Africa and Tanzania. The objective of the Conference was to prepare training sessions for the personnel of National Human Rights Institutions from the respective countries. These training sessions were organised later at Nanyuki and Nairobi in Kenya, from 11th to 22nd April 2005. The Commission sent two agents to attend these seminars.

The Commission attended the First General Assembly of the Association of National Human Rights Commissions of French-speaking countries which was held at Montreal, Quebec-Canada, from 29th September to 1st October 2005. This General Assembly examined the issues relating to the promotion and respect of Economic, Social and Cultural Human Rights.

3.7.2. Collaboration with Associations operating in Rwanda.

Collaboration between the National Commission with the Rwanda League of Human Rights Associations (CLADHO) was seen mostly in seminars to which we were invited from time to time. Thus, on 17th June 2005, the Chairperson of the Commission closed officially a Seminar on Economic, Social and Cultural Rights organised by CLADHO. To this seminar had been invited delegations from the countries of the Great Lakes region (Rwanda, Burundi, the Democratic Republic of Congo and Kenya).

The Commission also collaborated with CLADHO in organising the International Human Rights Day which is commemorated on 10th December.

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3.7.3. Collaboration with International Organisations operating in Rwanda and Embassies.

- **The United Nations Development Programme (UNDP).**

From 24th to 25th October 2005, through the Commission's Capacity Building Project sponsored by the United Nations Development Programme, the Commission organised a seminar for its agents on strategic planning. This seminar helped the Commission to prepare its three year strategic plan namely, from 2005 to 2008.

From 12th to 14th April 2005, the Commission attended a workshop on human rights organised by the Office of the United Nations Coordinator in Rwanda. The theme of the workshop was related to human rights based approach to country programming.

The United Nations Development Programme assisted the Commission through the Commission's capacity building project.

- **The United Nations International Children's Education Fund (UNICEF).**

On 9th November and 6th December 2005, on the invitation of the United Nations International Children's Education Fund, the Commission attended a meeting organised to assess together the collaboration between Government institutions and the Fund during the year 2005 and to prepare a plan of activities for the year 2006. The meeting asked the Commission to speed up the process of establishing a service or a committee to monitor the respect of the rights of the child, to organise training to human rights volunteers on the rights of the child and on the matters regarding identity and doing research on the observance of the Law n° 27/2001 of 28th April 2001 relating to the rights and protection of the child against violence.

- **The United Nations High Commissioner for Human Rights (UNHCHR).**

From 8th to 11th February 2005, the United Nations High Commissioner for Human Rights, jointly with the National Commission for Human Rights organised a workshop on "Follow up of the implementation of United Nations Treaty Body Recommendations at National Level". To this workshop organised in Kigali, were invited different government institutions and non government organisations. At the end of the workshop, the participants adopted a plan of action they will follow.

- **The European Union.**

The Commission carried further the collaboration it has with the European Union. This collaboration is evidenced by the project regarding follow up of the functioning of Gacaca Courts and the European Union has accepted to extend the period of this project which was otherwise supposed to end in June 2006.

- **The German Unit for Development (DED).**

The Commission carried further its collaboration with the German Unit for Development in activities relating to sensitisation of Rwandan population on their rights. It was in this context that this Unit gave assistance to the Commission in printing calendars bearing messages propagating various types of human rights.

- **The French Embassy.**

Regarding the process of capacity building for the Commission, the French Embassy gave assistance to the Commission thus enabling it to send two people to attend a seminar on human rights that was held at Strasbourg, in France.

- **The Cooperation Office of the Swiss Embassy.**

In the context of capacity building for the Commission, the Cooperation Office in the Swiss Embassy gave assistance to the Commission thus enabling it to send one person to Strasbourg, in France to attend a seminar on human rights.

3.7.4. Collaboration with International Organisations.

- **UNESCO Chair and Institute of Comparative Human Rights.**

On the invitation of the UNESCO Chair and Institute of Comparative Human Rights, the Commission attended the Conference held in Connecticut in the United States of America from 23rd to 27th September 2005. This Conference concerned particularly the topic relating to security and peace as the basis for human rights. At this conference, the Commission gave a lecture regarding teaching and training on human rights in Rwanda.

- **The Office of the United Nations High Commissioner for Human Rights.**

From 19th to 21st October 2005, on the invitation of the African Economic Commission, the Commission attended a Conference sponsored jointly by the Office of the United Nations High Commissioner for Human Rights and the African Union. This Conference which was held in Kigali was meant to make understood the role of teaching and training on human rights as means to achieve women's rights. Participants to the Conference came from twelve countries in Africa, namely Rwanda, Burundi, Tanzania, Kenya, Ethiopia, Comoro Islands, Djibouti, Eritrea, Madagascar, Democratic Republic of Congo and the Seychelles Islands.

3.7.5. Collaboration with Government Institutions.

- **Collaboration with Higher National Authorities.**

The Commission is already a member of the National-level Committee that follows up and prepares the Conference on peace, security, democracy and development in the Great Lakes region. It was in this context that it attended various meetings. This Conference is organised by the Office of the President of the Republic.

On 22nd July 2005, the National Commission for Human Rights attended a Consultative Conference on Rwanda's Parliamentary Strategies in the promotion of gender equality and complementarity in the national development. The strategies adopted after group discussions indicated the major objectives of the Parliament as making laws by which the country should be guided and controlling the functioning of the government.

On 21st September 2005, the Commission held a meeting with the Parliament's Commission in charge of human rights, unity and reconciliation on issues relating to human rights in the country.

From 3rd to 4th October 2005, on the invitation of the Forum of Women Parliamentarians, the Commission attended the meeting aimed at examining the following themes: collaboration in fighting against violence-based obstacles which are in contradiction with the equality principles provided for by the Constitution of the Republic of Rwanda; the nature of the question of violence in Rwanda, its root causes and the role of laws; the responsibility of everybody and the National Police in particular, in the prevention and follow up of the question of violence done to women and children; showing examples of how violence is fought against in other countries; procedures that will be followed in preparing the preamble of this bill; Effects of violence on the family's integrity and the background on the freedom of women and children.

This meeting came with a recommendation asking the Forum of Women Parliamentarians to elaborate a specific law punishing violence crimes based on the individual's nature in Rwanda.

The Commission also followed up the activities of the Supreme Council of the Judiciary and those of the Supreme Council of the Prosecution because the Constitution of the Republic of Rwanda includes the Commission among members of these Councils.

- **The Ministry of Justice.**

Collaboration with the Ministry of Justice was seen in seminars.

On 28th June 2005, in a seminar held in Judicial Training and Promotion Centre, the Commission gave lectures on the fundamental principles of human rights, the role of the judge and his responsibility with regard to human rights. This seminar was organised for the judges in provincial courts, the High Court of the Republic, the Military Court and the Judge from the Military High Court.

Collaboration with the Ministry of Justice is also based on the fact that it is this Ministry that links the Commission with the Government. This Ministry invited the Commission in many activities relating to the preparation of a policy to guide the judiciary. Collaboration was again observed in the drafting of the bill modifying and supplementing the law establishing the Commission. This collaboration is observed in the preparation of activities relating to the commemoration of International Annual Days concerning human rights.

Collaboration is also seen in consultative meetings to which the Commission is often invited in connection with human rights; such as the consultative meeting on the question of violence in the families and the issue of rape of children and women and to examine strategies to be taken. This collaboration was seen again in a consultative meeting where the Commission was invited by the Ministry of Justice concerning the fight against the rape of children and women.

- **The Ministry of Gender Equality and Family Promotion.**

The Ministry of Gender Equality and Family Promotion invited the Commission to the meeting held from 22nd to 23rd September 2005, which examined the strategic plan to protect children against vagrancy.

On 12th October 2005, on the invitation of the Ministry of Gender Equality and Family Promotion, the Commission took part in a meeting that examined the Verbal Note issued by the Embassy of the United States of America in Rwanda which placed Rwanda among the countries that take no considerable measures with regard to the reintegration into normal life of children coming from the army.

On 27th October 2005, the Commission gave views in a meeting to which it was invited by the Ministry of Gender Equality and Family Promotion intended to give views on a report that had been prepared on violence against children. The Commission also gave views at another meeting held on 10th November 2005 convened by the said Ministry. This meeting aimed at exchanging views and amending the report on implementation of the African Convention on the rights and welfare of the child as well as Rwanda's report on violence against children.

In December 2005, the Commission participated in different meetings to prepare the children's General Assembly scheduled to take place on 19th January 2006.

- **Ministry of Defence.**

On 19th June 2005, at a seminar organised at the Judicial Training and Promotion Centre, the Commission gave lectures on human rights and criminal case procedures. The seminar was organised for the Military Judicial Police.

- **Ministry of Local Government, Good Governance, Community Development and Social Affairs.**

Collaboration between the Commission and the Ministry of Local Government, Good Governance, Community Development and Social Affairs is based on seminars the Commission

organises for local leaders. It is based also on the preparation of civic education programme including human rights issues.

- **The National Unity and Reconciliation Commission.**

The National Commission for Human Rights carried further its collaboration with the National Unity and Reconciliation Commission by giving lectures to the people released temporarily from prison following the Presidential Communiqué of 1st January 2003, who were in solidarity camps organised for them throughout the country. The lectures given concerned mostly the International Conventions and Rwandan Laws on the Elimination of all forms of racial discrimination and against the crime of genocide and crimes against humanity; the causes of genocide in Rwanda, citizenship, human rights.

This collaboration was also seen in seminars for the solidarity camp organised for students preparing to join Universities and students graduating from Institute of Agriculture and Livestock at Busogo, who had not been to a solidarity camp before.

- **Rwanda Demobilization and Reintegration Commission.**

Collaboration was characterised by lectures on human rights, the National Commission for Human Rights gave in solidarity camps for ex-soldiers and people who had deserted infiltrators, organised by Rwanda Demobilization and Reintegration Commission.

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IV. FINANCIAL REPORT FOR 2005.

4.1. Introduction.

This part presents expenditure of the funds allocated to the Commission in the Ordinary Government Budget and endowments from donors, from 1st January to 31st December 2005.

For the year 2005, the allotment of the Commission in the Ordinary Government Budget was a sum of six hundred seventy eight million one hundred and ten thousand and seven hundred seventy nine Rwandan Francs (678,110,779 FRw).

Of this sum allocated to it, the Commission received from the Government Budget for 2005, the sum of six hundred seventy four million, two hundred fifty three thousand and two hundred ninety three francs (674,253,293 FRw).

By 1st January 2005, the Commission had a balance equivalent to forty nine million four hundred sixty thousand six hundred ninety nine francs (49,464,699 FRw). This balance from the 2004 Budget was given to the Commission towards the end of December 2004, earmarked for purchasing vehicles to replace old ones; later came the decision of the Government to stop having a pool of vehicles of its own, and thus the vehicles were not to be purchased any more.

In the year 2005, the Commission obtained some other funds, not as part of the year's budget, equivalent to four million two hundred sixty thousand and six hundred eighty eight francs (4,260,688 FRw). This sum was in payment of tender books added to it the balance on the accounts of the projects operating within the Commission (cfr. page 103)

By 1st January 2005, the Commission had a total sum of seven hundred twenty seven million, nine hundred seventy eight thousand and six hundred and eighty francs (727,978,680 FRw). That is to say the sum allocated to the Commission from the Government Budget 2005, added to it, the said balance brought forward from 2004 earmarked for purchasing cars, payment for tender books and the balance on the projects.

Expenditure of the Commission amounted to seven hundred twenty one million two hundred thirty one thousand and one hundred ninety one francs (721,231,191 FRw). Of this money, twenty three million sixty seven thousand and eight hundred and thirty nine francs (23,067,839 FRw) were spent to pay the arrears of 2004 which the Commission owed to individuals or various institutions.

Some other funds, amounting to ninety four million eight hundred ninety seven thousand and one hundred fifty nine francs (94,897,159 FRw) were used by the Commission on emergencies calling for prompt action but which were not provided for in its budget for 2005, or those which were to be done by other people. Such activities were the following:

- 1) Repairing the current working premises of the Commission and preparing them to enable workers to move in.

- 2) Advance payment for purchase of cars for the Commissioners.
- 3) Moreover in that year, following reforms in the public service, about 61 workers were dismissed from service in the Commission, and were given compensation amounting to thirty six million nine hundred forty thousand and three hundred seventy seven francs (36,940,377 FRw) and yet there was no provision for this in the budget for 2005.

For the accomplishment of these activities not budgeted for, it was necessary for the Commission to request from the Ministry of Finance, budget transfer from certain activities to others, reason for which certain items costed more than expected as this can be seen in the table on pages 98, 99 and 100 (kinyarwanda version).

In view of these additional activities, by 31st December 2005, the Commission had a debit equivalent to fifty nine million five hundred twenty three thousand and three eighty five francs (59,523,385 FRw).

After all this, by 31st December 2005, the Commission had on its bank accounts a balance equivalent to three million seven hundred thirty one thousand and seven hundred seventy four francs (3,731,774 FRw).

Another thing is that in the year 2005, donors gave to projects operating within the Commission a sum of three hundred twenty two thousand and sixty three francs (321,322,063 FRw).

Expenditure of these funds by these projects is presented on pages 104 and 105 of this report. (kinyarwanda version)

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4.2. Expenditure of funds from Government Budget for the year 2005.

The table below presents in details the expenditure of the funds the Commission received for the year 2005:

Code	Budget line	Budget	Amount given	Amount spent	Difference
	1. EXPENDITURE ON STAFF AND COMMISSIONERS	398 094 505	371 220 449	377 069 065	-5 848 616
	2. DAILY FUNCTIONNING OPERATIONS	280 016 274	294 108 600	344 162 126	
D33501	2.1 Durable office equipment	818 895	810 079	923 135	-113 056
D33502	2.2 Non durable office equipment	9 076 075	9 076 075	7 301 255	1 774 820
D33505	2.3 Water and electricity	4 127 444	4 127 444	5 422 264	-1 294 820
D33506	2.4 Fuel	9 737 671	9 737 671	25 529 500	-15 791 829
D33510	2.5 Technical equipment	3 055 133	3 055 133	1 465 000	1 590 133
D33511	2.6 ICT equipment	1 359 597	1 359 597	2 548 800	-1 189 203
D33513	2.7 Teaching equipment	2 209 420	2 209 420	1 130 000	1 079 420
D33523	2.8 Other different equipment	600 000	600 000	280 000	320 000
D33602	2.9 Maintenance of offices	50 294 516	50 294 516	46 760 440	3 534 076
D33604	2.10 Maintenance and repair of computer networks	3 200 000	3 200 000	4 589 885	-1 389 885
D33605	2.11 Maintenance and repair of vehicles	51 913 059	51 913 059	68 225 472	-16 312 413
D33606	2.12 Maintenance and repair of motorcycles	1 000 000	1 000 000	188 747	811 253
D33608	2.13 Maintenance and repair of office equipment	400 000	400 000	872 100	-472 100

D33609	2.14 Maintenance and repair of technical equipment	508 000	508 000	1 983 903	-1 475 903
D33701	2.15 Local travel	2 065 000	2 065 000	12 518 410	-10 453 410
D33702	2.16 Travel abroad	4 447 770	4 447 770	8 141 665	-3 693 895
D33705	2.17 Local missions	11 065 164	11 065 164	14 203 900	-3 138 736
D33706	2.18 Missions abroad	3 799 189	3 799 189	10 992 414	-7 193 225
D33801	2.19 Rent of offices	54 492 182	54 492 182	53 606 457	885 725
D33806	2.20 Security	8 074 000	8 074 000	0	8 074 000
D33807	2.21 Rent for conference rooms	945 800	945 800	820 700	125 100
D33809	2.22 Subscription to journals	900 000	900 000	210 000	690 000
D33810	2.23 Purchase of books	7 000 000	7 000 000	458 600	6 541 400
D33811	2.24 Printing	6 778 019	6 778 019	17 108 275	-10 330 256
D33814	2.25 Advertisement and radio programmes	6 500 000	6 341 666	2 796 512	3 545 154
D33815	2.26 The press	259 895	259 895	50 000	209 895
D33816	2.27 Seminars and conferences	3 771 933	3 748 533	8 168 442	-4 419 909
D33817	2.28 Receptions	1 000 000	1 000 000	5 402 726	-4 402 726
D33820	2.29 Celebration of Human Rights Days	700 000	700 000	1 061 250	-361 250
D33821	2.30 Celebration of National Official Days	700 000	700 000	394 500	305 500
D33824	2.31 Training for Commissioners and Staff	2 675 448	2 675 448	510 000	2 165 448
D33825	2.32 Expenditure on postage	3 146 986	3 047 162	685 408	2 361 754
D33826	2.33 Telephones, fax and internet	6 541 847	6 541 847	29 611 536	-23 069 689
D33827	2.34 Other expenditure on postage	1 278 210	1 278 210	76 735	1 201 475
D33828	2. Honorarium	475 140	475 140	1 781 900	-1 306 760

D33829	2.36 Translation	3 236 000	3 236 000	5 109 000	-1 873 000
D33831	2.37 Other honorarium	400 000	400 000	416 700	-16 700
D33832	2.38 Insurance of vehicles	5 970 000	5 970 000	62 590	5 907 410
D33835	2.39 Sports and recreation	1 400 000	1 400 000	17 000	1 383 000
D33836	2.40 Bank accounts	180 000	180 000	108 000	72 000
D33850	2.41 Consultancy	1 449 031	1 449 031	1 256 305	192 726
D33854	2.42 ICT Promotion	1 600 000	1 600 000	0	1 600 000
D33858	2.43 Investigations	400 000	400 000	1 369 000	-969 000
D33859	2.44 Budget preparation	464 850	464 850	3 600	461 250
	Additional Funds*		23 306 944		23 306 944
	TOTAL	678 110 779	674 253 293	721 231 191	-46.977.898

Source : Accounting documents of the Commission for the year 2005.

(*) The Ministry of Finance and Economic Planning allocated to the Commission because the Commission's budget was exhausted in August..

Explanation of the table on expenditure of funds the Commission received from Government for the year 2005.

The table indicates that for certain budget lines there was a surplus whereas for others there was over expenditure.

- **Budget lines with over expenditure.**

Expenditure on Commissioners and Staff was greater than the funds allocated. This was due to the fact that there are workers who are dismissed or who resign on their own, and are paid their leave and terminal benefits; and this money is not paid by the Ministry responsible for finance but rather it is taken from the Commission's account.

Regarding durable office equipment (2.1), expenditure was greater than the provisions. This was because budget provisions turned out to be less than needs.

Water and electricity (2.3) was costly due to electricity shortages all over the country. The Commission resorted to using a generator to provide light for its offices.

Expenditure on fuel (2.4) was greater than budget provisions because of the nature of the work. After reduction of the number of workers, the Commission changed its working procedures and the Commissioners and staff went to work in the provinces from the Commission's Head Office and yet the Commission had no vehicles for the first seven (7) had been taken away in March 2005, thus the others were taken in August 2005, thus the whole pool was no more. The vehicles used for transporting the Commissioners and staff members to go and work in the provinces (from March to August 2005) had to be hired and filled with fuel (whereas from August to December 2005, dependency was on hiring); and this explains why expenditure was higher than the provisions.

As for expenditure on maintenance of vehicles (2.11), it was from this budget line that was taken the money added to the cost for purchasing vehicles for Commissioners, amounting to forty five million francs (45 000 000 FRw) together with the perdiem allocated to them every month. Moreover, the Commission had old vehicles which were constably being taken to garage, before September 2005, before the Government took them all away for sale.

Provisions for local travel (2.15) turned out to be insufficient because after the Commission dismissed some workers in the provinces, their duties were performed by Commissioners and staff from the Head Office in Kigali. This actually made even expenditure on mission inside the country to rise up (2.17).

Travel abroad (2.16) cost more than the budget provisions because there are meetings of International Institutions the Commission had to attend as it is a member of their Governing Boards. This caused also a rise in expenditure on missions abroad (2.18).

Maintenance and repair of computer networks (2.10) cost more than the provisions due to the fact that the computers used by the Commission have grown old and they require regular repair.

ICT equipment (2.6), actually expensive costed more than the provisions due to the purchase of two new computers.

The funds for maintenance and repair for office equipment (2.13) became great than the budget provisions compared to what was done.

Maintenance and repair of technical equipment claimed more expenditure because the provisions were low; moreover it was from this budget line that was drawn money to pay contractors for repair of this equipment.

The budget line for printing (2.24) is used by the Commission at the time of preparing reports. It was observed that for this year 2005, on this line were printed reports for two years, namely reports for 2003 and 2004.

Expenditure on seminars and public lectures (2.27) went up following seminars organised for volunteers in matters of human rights operating in all the provinces; and which were not sponsored by donors as the Commission had planned.

There was over expenditure on entertainment (2.28) because the provisions were low and yet the Commission receives visitors often.

Regarding expenditure on telephone, faxes and Internet (2.33), the Commission paid arrears amounting to five million three hundred ninety eight thousand and nine hundred forty three francs (5,398,943 FRw) for the year 2004. Moreover, the operations of the Commission require frequent use of telephone. Expenditure was much higher above the provisions because already these had been low compared to the activities they were to be spent on. In addition, because the Commission shifted from its former premises, installation of new telephone, fax and Internet connections caused expenditure to be even greater.

As long as the Commission does not have a translator of its own, it is costly to give away documents for translation and this is the reason why expenditure on translation was greater compared to budget provisions (2.36).

Though provisions for the investigations budget line (2.43) were low, the functioning of the Commission changed because after the reduction of staff, workers at the Head Office of the Commission as well as Commissioners worked a lot in the provinces, and thus there was much expenditure on investigations.

- **Budget lines with a surplus.**

The table indicates that for certain budget lines there was a surplus as 2.9, 2.23, 2.25, 2.27, 2.31, 2.32. The surplus was spent at different times on the activities of renovating the building the Commission was given to operate from as well as the purchase of vehicles, both activities of which had not been taken into account in the budget provisions for 2005. The table also presents areas where the funds were not spent, for example (2.20). These are areas where by the funds were spent on the said activities which had not been in the Commission's plan and yet had to be done in line with the Government policy to cease having its own vehicles, to rent offices, and to dismiss workers who had to get their terminal benefits.

- **Supplementary funds obtained by the Commission in 2005.**

The following table indicates funds available in the accounts of the Commission and which came in in ways not taken into account in the budget for 2005. These funds also helped to meet the cost of different activities not included in the budget for 2005.

These funds are the following :

Source	Amount
Funds from the sales of tender books	250.000
Balance fro the bank account of the UNDP Project RWA/01AH/42	1.153.688
Funds transferred from the Project sponsored by the Swiss Cooperation to the Commission's account	2.857.000
Total	4.260.688

- **Table showing balance on the Commission's accounts by 31st December 2005.**

The following table shows the balance of the Commission by the end of 2005 and where it was.

Rubric	Amount
Balance on BNR Account	1.004.905
Funds kept in reserve*	357.050
Funds on Foreign Currency Account	2.369.819
Total	3.731.774

*Given that at the beginning of every year the funds for daily operations come in late, the Commission created a "reserve fund" besides legal provisions to help carry out these operations and keep the Commission running.

4.3. Donors' endowments to different projects of the Commission for the year 2005.

In the year 2005, donors sponsored projects of the Commission with funds amounting to three hundred and twenty million one hundred forty five thousand and six hundred eleven francs (**320.145.611 FRw**).

The table below shows endowments the Commission received from donors for the year 2005.

Donor	Purpose	Provisions	Amount donated	Amount spent	Balance
European Union	Monitoring of Gacaca Courts	318 118 080	251 170 880	250 807 925	362 955
UNDP	Capacity Building for the Commission	55 600 000	70 151 183	70 151 183	0

Source : Project reports

The European Union donated to the Commission an amount equivalent to two hundred fifty one million one hundred seventy thousand and eight hundred eighty franc (**251,170,880 FRw**). These funds were utilised in the Project of Monitoring of the respect of human rights in Gacaca Courts.

Table showing expenditure of the funds for the Project of monitoring the respect of human rights in Gacaca Courts

Rubric	Provisions	Amount donated	Amount spent	Balance
Monitoring of the functioning of Gacaca Courts and publishing the results	155 514 600	99 336 360	98 973 405	362 955

Workers' salaries	140 796 000	134 707 550	134 707 550	0
Consultancy	12 087 480	9 113 300	9 113 300	0
Office equipment	9 720 000	8 013 670	8 013 670	0
GRAND TOTAL	318 118 080	251 170 880	250 807 925	362 955

Source :Project Reports

The United Nations Programme for Development (UNDP) donated to the Commission an amount equivalent to seventy million, one hundred fifty one thousand and one hundred eighty three francs (**70,151,183 Frw**). This money was spent on the Commission's Capacity Building Project, started in July 2005.

- **Table showing expenditure of the funds for the Commission's Capacity Building Project for 2005.**

RUBRIC	PROVISIONS	AMOUNT	AMOUNT	DIFFERENCE
	FOR 2005	DONATED	SPENT	BETWEEN AMOUNT DONATED AND AMOUNT SPENT
1. Technical equipment and their installation	32 248 000	27 888 896	28 775 440	-886544
2. Making known the Commission, Sensitization of Rwandans on Human Rights	10 564 000	34 592 897	34 773 477	-180 580
2.1 Conferences, documents		11 392 330	11 392 330	0
2.2 Seminars and others		19 585 010	19 765 590	-180 580
2.3 Meetings and seminars abroad		3 615 557	3 615 557	0
3. Supervision of the project	12 788 000	7 669 390	6 602 266	1 067 124
3.1 Seminars for workers inside the country	3 336 000	2 628 342	2 628 342	0

3.2 expenses on workers and office equipment	9 452 000	5 041 048	3 973 924	
Total	55 600 000	70 151 183	70 151 183	0

Source : Project Reports

- The budget provisions for 2005 which were 55,600,000 Frw turned out to be insufficient and the United Nations Development Programme (UNDP) added an amount equivalent to 14,551,183 FRw which was utilised to make known the Commission and to sensitize Rwandans on human rights issues.
- Budget provisions for salaries of the Project workers for 2005 were greater compared to salaries budgeted for workers for that year

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V. GENERAL CONCLUSION.

For the year 2005, the Commission carried out further the activities relating to the mission entrusted to it by Article 177 of the Constitution of the Republic of Rwanda and the Law n° 37/2002 of 31st December 2002 establishing the Commission. The major activities concerned mainly the training and sensitization of Rwandan citizen as regards human rights to help them know better these rights and fight for them. Other activities relate to follow-up of complaints relating on violation of human rights which the Commission followed up, whether reported to it or upon its own initiative. The Commission also continued its programme to monitor respect of human rights in the functioning of Gacaca Courts; and drew attention to activities in relation with its own development and strengthen further its capacity to enable it carry out further its duties more smoothly.

In order to help every Rwandan citizen to understand his/her rights, to be able to fight for these rights and respect the rights of others, in the year 2005, the Commission put more effort in the sensitization and training of Rwandan population about issues relating to their rights.

Regarding the responsibility assigned to it by the law to give upon its own initiative or upon request its advice on bills relating to human rights, the Commission gave views on various bills with the aim of seeing whether there is no Article in the laws, which might give room for violation of human rights. Most of the views given by the Commission were accepted.

In conformity with its mission, in the year 2005, the Commission continued to sensitize the Government Institutions as regards ratification of International Conventions relating to human rights which Rwanda has not yet ratified. The year 2005 was characterised by evident collaboration existing between the Commission and concerned authorities such that this activity was fruitful because during this year three Conventions were ratified. The Commission believes that the Government will make efforts to sign the principle conventions indicated by the Commission which have not been ratified so far.

Regarding problems of human rights violation allegations followed-up, the Commission finds that as regards unlawfull arrests and detentions, a step has been made on the part of the Public Prosecution after the judicial reforms; though on the part of the Judicial Police there is still much to be corrected.

Concerning murder and violence against the survivors and the people willing to say the truth about what happened during the genocide, the Commission observes that this problem has gradually become less serious but is not yet eradicated. The Commission is of the opinion that those found involved in these crimes should be tried in public, that the trials of such cases should be announced to all Rwandans and those found guilty should be punished in an exemplary manner so that this problem is solved once for all. Moreover, these who have sought protection should benefit by much closer protection from concerned authorities and even the population for it has been observed that most of those murdered have actually sought such protection.

With regard to non execution of judgments or judgments executed contrary to court decisions, the Commission feels that those in charge of execution of judgment do not understand that it is one of the responsibilities assigned to them by the law. It is clear that they need sufficient training in these matters.

In connection with the follow-up for respect of human rights in Gacaca Courts, the Commission drew particular attention to examining the respect of the principle to be entitled to a fair and transparent hearing for both parties. In general, the Commission found that the rights of the witnesses and the parties to trial were respected. Even in those few places where problems were observed, the Commission always informed the National Service charged with the Gacaca Courts which followed up the matter with a view to find solution, and in most cases this was done.

Concerning economic issues that were followed up, most of them centred on pieces of land. This is due to the fact that land is the basis of the economy source of disputes. The Commission feels that the Organic Law determining the use and management of land in Rwanda will be of help in solving problems relating to pieces of land. This requires of course that the orders provided for by this Organic Law be promulgated soon.

Other economic issues are based on people's expropriation done due to the public interest, but then compensation of their destroyed properties delays or they are not satisfied with the assessment of the value of these properties.

The Commission finds that the authorities expropriating people should pay compensation of destroyed properties prior to the actual shifting is effected and assessment of the property should be done in a transparent manner, in accordance with the law. The Law governing expropriation corresponding to the present time should be speeded up and help to solve such problems.

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VI. RECOMMENDATIONS.

Based on the cases of human rights violation allegations it followed up during the year 2005, the Commission finds it necessary to formulate these recommendations to the following institutions and individuals :

- **To his Excellency the President of the Republic, the Parliament, the Government and the Supreme Court.**
- Sensitizing those in charge of arrests and detention on respecting the code of procedure thereof, to see to it that they are respected and to take punitive measures on those who breach this procedure;
- Providing Judicial Police Officers and Prosecutors with more means and more facilities to enable them carry out their duties more smoothly;
- Taking measures the authorities or individuals that do not respect court decisions;
- Enacting a law punishing roaming about and begging on the streets, adapted to the present day so that persecution of such culprits be done in accordance with law;
- Taking measures against leaders found involved in the violation of the rights of those they lead or for whom they are supposed to render justice;
- Sensitizing workers in courts to improve on their system of recording and keeping case files to solve once for all the problem of their disappearance, as this is annoying to those who seek the courts' protection;
- Asking all those who have the powers of Court Bailiffs to carry out adequately their duties by executing judgments in accordance with the law;
- Sensitizing further the people and competent authorities to ensure security of genocide survivors and witnesses in Gacaca Courts, and to punish in an exemplary manner those found guilty in this regard;
- Doing everything necessary so that Rwanda ratifies the International Conventions relating to the protection of human rights;
- Asking the authorities responsible for the expropriation of the people due to public interest to pay compensation prior to actual taking away and to ensure that stoc-taking of the properties is done in transparency to establish their actual value;
- Speeding up enactment of the law governing expropriation corresponding to the present times.

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- **To all Rwandan population.**
 - Continuing approaching the Commission bringing to it problems and ideas regarding human rights;
 - Getting used to the procedure which requires that cases are first reported to relevant authorities before seeking the Commission's intervention;
 - Avoiding reporting to the Commission false or unfounded cases;
 - Reporting to the Commission important issues regarding violation of human rights taking place in their areas of residence so that the Commission follows them up;
 - Taking active part in the protection of their own rights and the rights of others;
 - Resisting and fighting against any kind of injustice and the culture of impunity;
 - Knowing further the rights and duties of the individual as provided for by the Constitution and other laws.

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VII. PROSPECTS FOR THE YEAR 2006.

- **On Human Rights Promotion.**

As regards human rights promotion, for the year 2006, the Commission plans the following major activities:

- Preparation of curricula on human rights;
- Training different categories of Rwandan population as regards human rights, with particular emphasis on economic and social rights and right to environment;
- Further sensitization of Rwandan population on human rights and the duties of the citizens;
- Participation in commemorating Annual International Human Rights Days and dissemination among Rwandans of messages regarding these days;
- Preparing and publishing special reports on issues regarding human rights;
- Promoting collaboration with Non Governmental Organisations dealing with human rights;
- Continuing to sensitize the government institutions as regards ratification of International Convention relating to human rights and making sure they are integrated in Rwandan laws;
- Continuing giving its advice on bills relating to human rights so that the principles of human rights are taken into account.

- **On Human Rights Protection.**

With regard to human rights protection, the main activities the Commission plans to carry out during the year 2006 are the following:

- Receiving and examining claims relating to human rights;
- Forwarding to government institutions the conclusions and recommendations of the Commission on issues regarding violation of human rights;
- Following up in a special manner the respect for the rights of vulnerable groups (children and the destitute);
- Setting up special strategies on how to follow up the respect of children;
- Visiting detention premises and ensuring that the rights for detainees therein are secured;
- Monitoring the respect of human rights in Gacaca Courts;

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- Monitoring the respect of the rights of those implementing the community service as alternative penalty to imprisonment;
 - Monitoring the respect of human rights during elections;
 - Conducting special investigations on the respect of the rights of the child in Rwanda;
 - Effecting special follow-up of claims in relation with violation of the rights of women;
 - Requesting the courts and the prosecutor's office to prosecute persons who commit human rights violation.
- **On Institutional Development of the Commission.**

The Commission will continue organising different training sessions for the Commissioners and members of staff, with a view to helping them improve their performance and render proper service to those seeking its assistance.

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