

NATIONAL COMMISSION FOR HUMAN RIGHTS

***Annual Report
for 2007***

Kigali, March 2008

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FOREWORD

Based on Article 177 of the Constitution of the Republic of Rwanda of 4th June 2003 as revised to date and the Law n° 04/99 of 12th March 1999 establishing the National Commission for Human Rights as revised by Law n° 37/2002 of 31st December 2002 itself revised by Law n° 30/2007 of 6th July 2007 determining the organization and functioning of the National Commission for Human Rights, the Commission has the pleasure to submit to the Parliament its report of activities for the year 2007 and to reserve copy of the same report to His Excellency, the President of the Republic, the Supreme Court and the Government.

This report presents the achievements of the Commission during the year 2007 regarding its major responsibilities concerning the promotion and protection of human rights in their different facets, civil and political rights, economic, social, cultural, environmental rights and right to development.

The activities relating to promotion of human rights concerned mostly conferences and seminars organized for different categories of the Rwandan population with the purpose of enabling them to better understand and fight for these rights. Regarding protection of human rights, this report presents activities relating to the follow-up of complaints reported to the Commission by people whose rights had been violated as well as the cases the Commission followed up on its own initiative, given the importance of such cases. The Commission made investigations on all these cases and complaints and requested concerned authorities to resolve them so that the victims could be reinstated in their rights.

Another major aspect that characterised the Commission's activities was consolidation of collaboration between the Rwanda National Commission for Human Rights and the Human Rights Commissions in other countries, associations operating within the country, international organizations as well as Government institutions in matters concerning protection and promotion of human rights. In this respect, the Commission is delighted at the confidence placed in our country, by hosting and presiding over the Sixth Conference of African National Human Rights Institutions held in Kigali from 8th to 10th October 2007. This Conference brought together participants from twenty eight countries, and Rwanda National Commission was elected to head the Network of the African National Human Rights Commissions for a term of two years; thus making Rwandan Commission a member of the Bureau of the International Committee for the Promotion and Protection of human rights at world level.

The Commission is also pleased that during the year 2007 the Government of Rwanda continued to ratify International Conventions on human rights.

Although as regards respect of human rights, a great step has been made during the year 2007, there are still, in certain areas, observable activities hindering these rights in the day to day life and behaviour of the Rwandan population; and this is why, in this report, the Commission formulates, particularly for national higher authorities and for all Rwandan population in general, some recommendations that could help further the establishment and consolidation of the culture of respecting human rights in our country.

The National Commission for Human Rights once again wishes to express gratitude to the Government of Rwanda for its continued support in the accomplishment of its mission. Thanks also to the different donors who helped the Commission to realise the achievements presented in this report.

KAYITESI Zainabo Sylvie
Chairperson

I. INTRODUCTION

This report presents the activities accomplished by the National Commission for Human Rights during the year 2007, in accordance with the mission entrusted to it by Article 177 of the Constitution of 4 June 2003 and the Law n° 04/99 of 12th March 1999 establishing the National Commission for Human Rights as revised by Law n° 37/2002 of 31st December 2002, itself revised by Law n° 30/2007 of 6th July 2007 determining the organization and functioning of the National Commission for Human Rights.

These activities include those relating to the promotion of human rights and those concerning the protection and monitoring the respect of these rights throughout the country.

The activities carried out in relation with the promotion of human rights based mostly on seminars and conferences on human rights, organized for different categories of the Rwandan population.

Regarding activities concerning protection of human rights during the year 2007, the National Commission for Human Rights received one thousand and fifty five (1055) complaints whereas there were some other 267 complaints brought to it before the said year.

Of the 1055 complaints reported to the Commission during the year 2007, 87 were rejected because they did not meet the requirements. For 128 complaints, the Commission advised the complainants to first submit them to the authorities responsible to handle them. One hundred sixty four (164) complaints reached the Commission towards the end of the year, and they have been examined but investigations are still to be conducted. The remaining complaints, thus six hundred seventy six (676) of them, were accepted, examined and followed up.

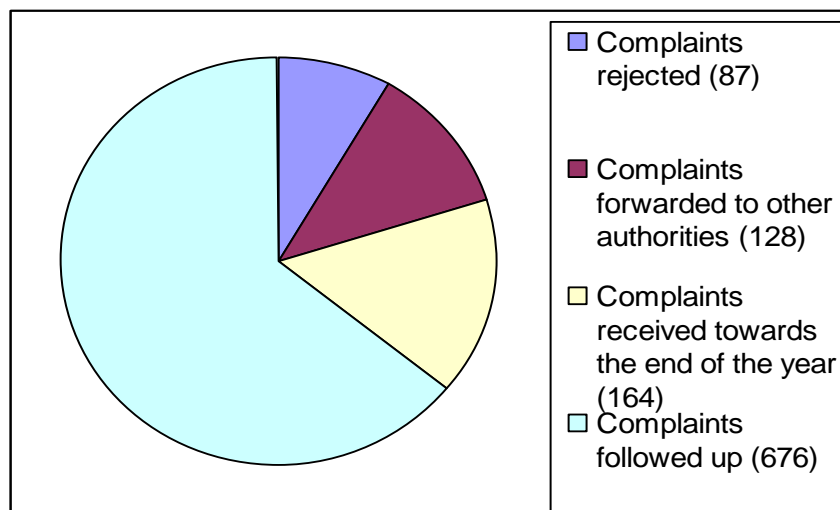
In general, during the year 2007, the Commission examined a total of one thousand three hundred twenty two (1322) complaints, that is the complaints reported to it during the year, added to the two hundred sixty seven (267) which remained pending by the end of the year 2006. Of these complaints, 943 have been followed up, of which 453, equivalent to 48,03% have been settled. After carrying out investigations, 229 complaints (24,28%) were forwarded to the authorities having the responsibility to solve them and the Commission continues to closely follow up their settlement. The other 261 (27,67 %) are still under investigation.

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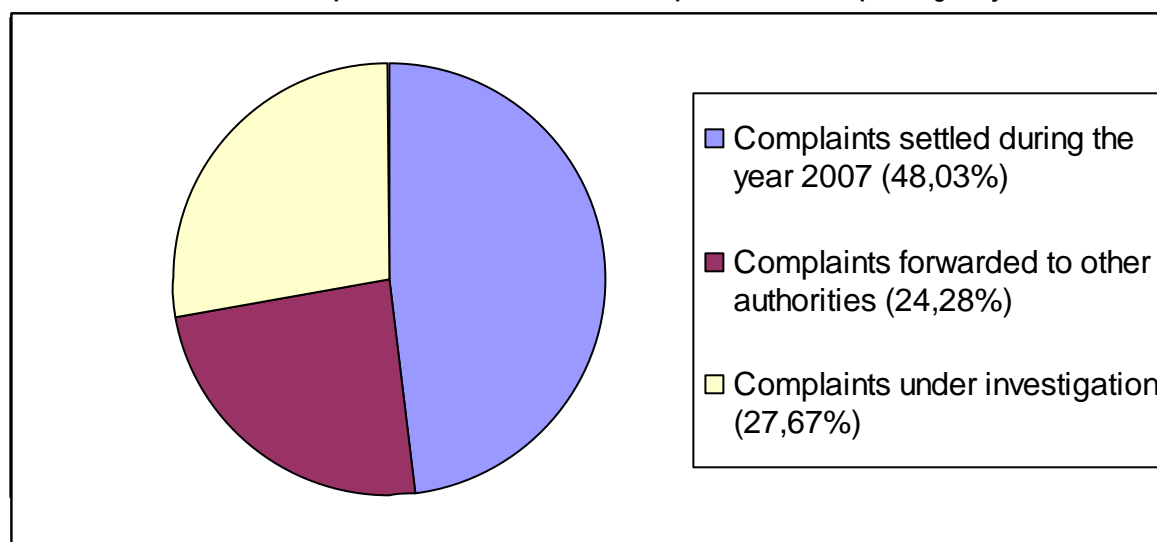
The chart below presents all the 1055 complaints reported to the Commission during the year 2007. After examination by the Commission, certain complaints were found inadmissible and the Commission judged it necessary to forward them to the authorities responsible for their settlement. The Commission followed up and settled some of the complaints and is still following up certain others.

Chart n° I : Complaints rejected, those forwarded to other authorities, those received by the Commission towards 2007 and those followed up as compared to the totality of complaints received during the year 2007.



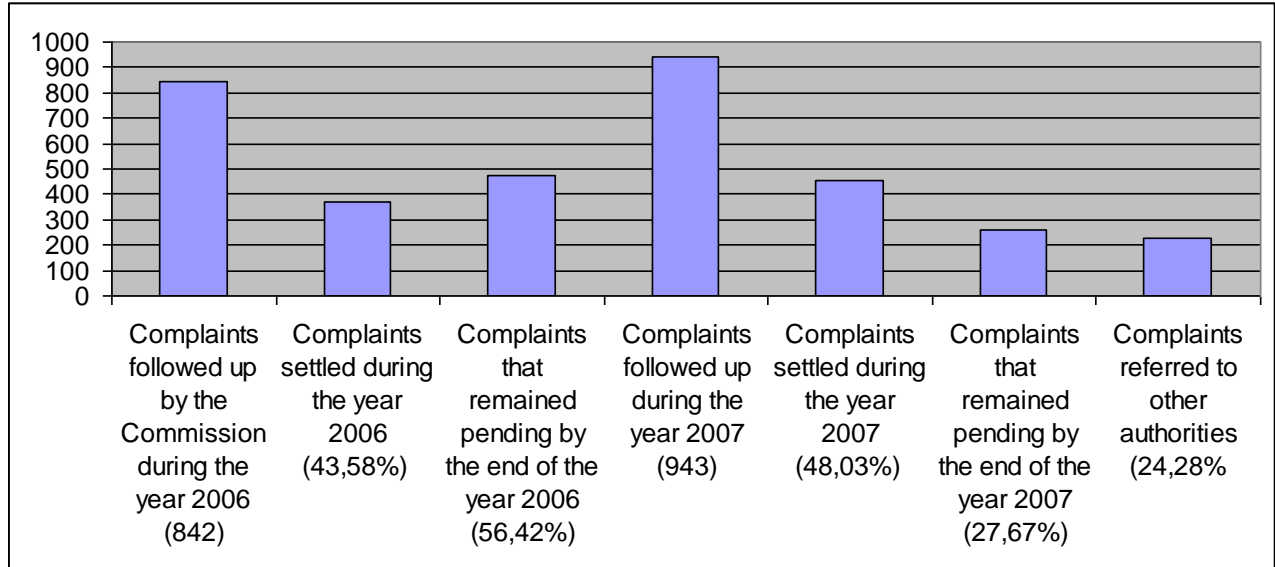
The following chart presents the rate of settlement of complaints received by the Commission during the year 2007.

Chart n° II : Complaints settled, those forwarded to other authorities and those under investigation as compared to the total number of complaints followed up during the year 2007.



The chart below shows how the complaints it received during the year 2007 were settled as compared to those received during the year 2006.

Chart n° III : Comparison of complaints settled and those that remained pending during the years 2006 and 2007.



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

2.1. CIVIL AND POLITICAL RIGHTS

2.1.1. Right to life

Regarding the right to life, the Organic Law n° 31/2007 of 25th July 2007 abolishing the death penalty was enacted.

2.1.2. Rights of the child

Regarding promotion and protection of the rights of the child, the following activities were carried out:

- A programme was adopted to do away with the problem of street children and to bring them to normal life. This programme was approved by the Cabinet of 25th July 2007. The same Cabinet also approved the Presidential Order establishing Rehabilitation Centres for children ;
- From 30th to 31st July 2007 was organized at Kigali, the Third Summit for Children. The theme for the year 2007 was: "The Child in the Sector's Community Development Programme". Participants to this Summit were children selected to represent others in each sector. This theme corresponds to the National Programme called EDPRS¹. The Third Summit for Children was intended to examine whether the children's key ideas expressed in the said Summit had been given consideration and integrated in the EDPRS ;
- From 15th to 16th March 2007 was held at Kigali, an International Conference aimed at fighting against the worst forms of child labour. This Conference was convened by the Ministry of Public Service and Labour and brought together delegates from Tanzania, Kenya, Uganda and Ethiopia. Participants at this Conference examined together possibilities of working out a National Policy against worst forms of child labour ;
- Regarding the commemoration of the African Child Day, normally commemorated on 16th June, and the International Day to fight against Worst Forms of Child Labour, normally commemorated on 12th June, both these Days were commemorated together. It is in this context that from 11th to 15th June 2007 a week was devoted to remembering and considering the problems children encounter ;
- A long term Strategic Plan, from 2007 to 2011, was established regarding orphan children and other vulnerable children ;
- As regards children's right to health, a variety of achievements were realised, including their protection against the AIDS epidemic. The number of counselling centres which also do the testing and distribute anti-retrovirals (ARVs) to infected mothers with a view to give them more

¹ Economic Development and Poverty Reduction Strategy

chance of giving birth to children free from infection rose from 285 in 2006, to 338 in October 2007. The number of infected children who were taking anti-retrovirals rose from 1,314 in the year 2006 to 3.892², in the year 2007.

- A 5 year National Strategic Plan (from 2007 to 2011) was established regarding orphan children and other vulnerable children. These vulnerable children include those with disability.

2.1.3. Freedom of the media and access to information.

During the year 2007 there were prepared a law governing the media and a law governing the High Council of the Media both of which are currently being examined by the Parliament.

Three (3) new newspapers were authorized to operate, namely “Isangano”, “Umuganda” and “Izuba”.

To the fourteen (14) radios authorized to operate in Rwanda till 2006, was added one other radio called “Voice of Africa, Kigali FM” which was authorized to operate, in the year 2007.

From 13th to 15th March 2007, was organized, at Kigali, an International Conference with the theme relating to “Monitoring of the Media: regulation and self regulation (‘régulation et autorégulation’)” which brought together ten central African countries.

2.1.4. Laws enacted during the year 2007

A. The Judiciary

During the year 2007, the organic law and the following laws relating to human rights were enacted:

- Organic Law n° 10/2007 of 1st March 2007 modifying and complementing Organic Law n° 16/2004 of 19th June 2004 establishing the organization, competence and functioning of Gacaca Courts charged with prosecuting and trying the perpetrators of the crime of genocide and other crimes against humanity, committed between October 1, 1990 and December 31, 1994 as modified and complemented to date.

This Organic Law intends to give to the Gacaca Courts, competence to continue functioning in accordance with the new Rwanda National Administrative Structure as provided by the Organic Law n° 29/2005 of 31st December 2005.

The main items observable in this Organic Law include the fact that membership of the Bench of the Gacaca Court has been reduced, and today, the Bench of a Gacaca Court comprises seven members and two people who can replace others. It provides also that in order for the Bench of Gacaca Court to seat in a legally recognised session, the quorum of at least five members should be attained. These

² These statistics were provided by TRAC, on 11th January 2008

changes were effected with a view to increase the number of the Benches of Gacaca Courts and thus the cases could be speeded up.

Another new element observable in this Organic Law is that punishments have changed.

- Law n° 46/2007 of 11th September 2007 governing judges and court personnel.

This Law intends to put in place judges and clerks in Commercial Courts, after the Law establishing business courts had been enacted.

At the time of preparing this report, the Law establishing commercial courts together with other organic laws and laws revised in order to adapt them to this new law had been voted by the Parliament, both Chambers, and had been forwarded to the Department within the Prime Minister's Office, in charge of the Official Gazette of the Republic of Rwanda to have them published. These laws are as follows:

- Law establishing commercial courts.

This Law is intended to speed up cases relating to business affairs and to ensure that these cases are handled by judges with special skills.

- Organic Law determining the organization, functioning and jurisdiction of courts.

This Organic Law has been modified so as to add Commercial Courts to the number of specialized courts.

- Organic Law establishing the organization, functioning and jurisdiction of the Supreme Court.

This Law was modified such that it provides for appeals from the High Commercial Court to the Supreme Court.

- Law relating to the civil, commercial, labour and administrative procedure.

This Law was modified such that it provides for court procedures regarding commercial cases.

B. Other Organic Laws and Laws enacted

- Organic Law n° 19/2007 of 4th May 2007, modifying and complementing the Organic Law n° 16/2003 of 27th June 2003 governing Political Organizations and Politicians.

This Organic Law is intended to stress the freedom of Political Party leadership, determining their headquarters at National level.

This Law provides also that the Political Party leadership can have a leadership office at all levels of the National Administrative structure.

The Law also stresses unity for the Rwandans and gender equality which should always be reflected in the political Party, whether in recruitment of membership, putting in place leadership structure, the functioning and activities of the party.

- Organic Law n° 31/2007 of 25th July 2007 abolishing the death penalty.

This Organic Law aims at abolishing the death penalty.

- Organic Law n° 11/2007 of 16th March 2007 concerning transfer of cases to the Republic of Rwanda from the International Criminal Tribunal for Rwanda and from other States.

This Organic Law provides for the transfer of cases to the Republic of Rwanda from the International Criminal Tribunal for Rwanda and from other States, as well as other issues relating to the said transfer.

This Organic Law also provides for procedures by which evidences collected by the International Criminal Tribunal for Rwanda could be handled in the case proceedings conducted in Rwanda by a competent court.

- Law n° 01/2007 of 20th January 2007 protecting people with disability in general.

This Law is intended to promote and to protect the rights of people with disability. In its Article 10, this Law entrusts to the National Commission for Human Rights the responsibility to work out special procedures of monitoring how the rights of people with disabilities are respected.

- Law n° 02/2007 of 20th January 2007 protecting former soldiers who incurred disability while fighting.

This Law is intended to protect in a special way people who incurred disability while fighting to ensure that they have a better living.

- Law n° 06/2007 of 1st February 2007 determining the organization and functioning of the Commission in charge of workers in the Public Service.
- Law n° 18/2007 of 19th April 2007 regarding expropriation of people for public interest.

This Law provides that only the Government can order the expropriation of people for public interest activities and this, after giving appropriate compensation.

The Law also provides that, depending on agreement between the expropriator and the expropriated, the appropriate compensation could be money, other piece of land, other building or buildings or other activities equivalent to appropriate compensation converted into money value, and that expropriation will be recognised when the compensation is given to the one being expropriated before he/she moves away.

The Law provides further that the appropriate compensation decided on by the Land Commission is paid within a period not exceeding a hundred and twenty (120) days starting from the time the appropriate compensation has been decided on. Beyond this period, the expropriation becomes invalid, unless there is an agreement between the person being expropriated and the one expropriating themselves.

So as to protect the people's welfare, the Law provides that the value of the land and that of the activities on the land being expropriated for public interest, are determined taking into consideration the quantity, the nature of the property and the place where they are found, and depending on the current prices on the market.

- Law n° 27/2007 of 27th June 2007 on establishment, organization and functioning of a Health Insurance Scheme for government employees (**RAMA**).
- Law n° 50/2007 of 18th September 2007 determining the establishment and the organization of cooperatives in Rwanda.

This Law is intended to promote the right for individuals' organizations or institutions with legal entity to form groups, with a view to carry out together the activities intended to improve the development of the group members.

C. International Conventions.

Laws were enacted authorizing ratification of International Conventions and Presidential Orders ratifying the following International Conventions:

Laws authorizing ratification of International Conventions are the following:

- Law n° 41/2007 of 10th September 2007 authorizing ratification of the International Convention establishing the African Centre for Disabled People, signed in Addis Ababa, Ethiopia, on 15th July 1985.
- Law n° 47/2007 of 11th September 2007 authorizing ratification of the International Convention on Peace and Development in the Great Lakes Region, signed in Nairobi, Kenya, on 15th December 2006.
- Law n° 48/2007 of 11th September 2007 authorizing ratification of the African Union Convention regarding non provocation of war and mutual rescue, signed in Abuja, Nigeria, on 31st January 2005.
- Law n° 54/2007 of 20th September 2007 authorizing ratification of the amendment of the Treaty establishing the East African Community, signed in Arusha, Tanzania, on 20th August 2007.
- Law n° 29/2007 of 27th June 2007 authorizing ratification of the Convention regarding the integration of the Republic of Rwanda into the East African Community, signed in Kampala, Uganda on 18th June 2007.

The Presidential Orders ratifying International Conventions are the following:

- Presidential Order n° 21/01 of 14th June 2007 approving the ratification of the Convention for the Youth.
- Presidential Order n° 04/01 of 2nd April 2007 on the ratification of the memorandum of Agreement on the Great Lakes Region and the Horn of Africa Disaster Management Center of Excellence, signed in Nairobi, Kenya on 15th August 2005.

There were also made some Presidential Orders ratifying International Conventions on Human Rights which the Commission had reminded the Minister for Foreign Affairs and Regional Cooperation, by Letter n° CRDH/414/07 of 20th August 2007, to have ratified.

These Orders are the following:

- Order approving the ratification of the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, signed in New York on 10th December 1984;
- Presidential Order approving ratification of Second Optional Protocol to the International Covenant on Civil and Political Rights, on the abolishment of the Death Penalty, adopted in New York on 15th December 1989;
- Presidential Order approving ratification of the Second Optional Protocol to the International Convention on Elimination of all forms of racial discrimination against Women, adopted in New York on 6th October 1989.

There were also made the following Presidential Orders ratifying International Conventions on Human Rights:

- Presidential Order ratifying the Convention on the Prohibition of the use of Stimulants in Sports;
- Presidential Order ratifying and confirming the Convention on eradication or reduction of the use of certain ordinary weapons/arms causing serious injuries or having impact on the public in Geneva on 10th October 1980;
- Presidential Order authorizing the accession to Convention on protection of children and cooperation in respect of international adoption, adopted in The Hague, in Netherlands on 29 May 1993.

There were also made Presidential Orders authorizing the lifting of the reservation that had been observed regarding International Conventions on Human Rights which the Commission had indicated in the letter n°CRDH/0472/05 of 15th August 2005 addressed to His Excellency, the President of the Republic.

Those Orders are the following:

- Presidential Order authorizing the lifting of the reservation on Article 13 regarding economic, social and cultural rights, signed in New York on 16th December 1966;
- Presidential Order authorizing the lifting of the reservation on Article 22 of the International Convention on the elimination of all forms of racial discrimination, adopted in New York on 21st December 1965;
- The Presidential Order authorizing the lifting of the reservation of the Republic of Rwanda on Article 9 of the Convention on the Prevention and Punishment of the crime of Genocide, adopted in New York on 9th December 1948.

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2.2. ECONOMIC, SOCIAL, CULTURAL AND ENVIRONMENTAL RIGHTS AND RIGHT TO DEVELOPMENT

2.2.1. Employment, Labour and Social Rights

There was enacted Law n° 06/2007 of 1st February 2007 determining the organization and functioning of the Commission in charge of Workers in the Public Service.

2.2.2. Rights of People with disability

Regarding the rights of people with disability, there were enacted the following laws:

- Law n° 01/2007 of 20th January 2007 protecting people with disability in general.

This Law protects people with disability in general. In its article 10, this law gives to the National Commission for Human Rights the responsibility to follow up in a special manner the issues of people with disability.

- Law n° 02/2007 of 20th January 2007 protecting former soldiers who incurred disability while fighting.

This Law is intended to protect in a special way those who incurred disability while fighting so as to ensure a better living for them.

There were also made Presidential Orders regarding people with disability:

- Presidential Order n°41/01 of 6th November 2007 determining the sum of money to make a living for the destitute former soldiers who suffered disability while fighting;
- Presidential Order n°42/01 of 06/11/2007 determining other sources of assistance to those who suffered disability while fighting.

There was also made a Ministerial Order n° 010/07.01 of 12th October 2007 establishing guidelines which govern Association fora, Associations and centres caring for people with disability. It is in this context that from 16th to 18th October 2007, there were organized elections of representatives of people with disability so as to enable them to play a role in the leadership of the country and its development. There were elected 30 people who would elect among themselves 2 candidates who would be forwarded to the Parliament, which in turn, would elect one who would represent others in the Parliament of the East African Community State Members.

On 9th January 2007, there was held a meeting that brought together the Minister having education in her responsibilities and the Heads of Public Universities and Institutions of Higher Education. The outcome of this meeting includes the decision that 23 children with disability who completed secondary education will be sent to University. It was decided that 8 blind children and one child without

arms, who writes with his toes would be sent to Kigali Institute of Education (KIE¹), 9 others who are blind would be sent to the National University of Rwanda (UNR²), and 4 who are deaf would be sent for studies in Kigali Health Institute (KHI³). There were put in place special means to help them study like others.

2.2.3. Right to Health

Regarding the right to health, different activities were carried out during the year 2007, intended to fight pandemics like malaria and HIV/AIDS.

- **Malaria**

During the year 2006, in all the Districts throughout the country, a total of 8,658,351 mosquito nets were distributed among the people. This number increased during the year 2007 for the people received a total of 8,900,785 mosquito nets.

Still regarding the fight against malaria, for a period of nine weeks, that is from 13th August 2007 to 13th October 2007, in three model Districts of Kigali City, mosquito insecticide was applied to residential houses. The number of families where this insecticide was applied in the District of Nyarugenge was 43,673, in Kicukiro District it was 42,928 families whereas in Gasabo District it was 72,456 families.

- **HIV/AIDS**

Until October 2007, the number of centres doing the testing and counselling on HIV/AIDS had risen to 314 compared to the year 2006. There were 64 more centres.

From January to October 2007, the number of people who were counselled and tested for HIV/AIDS during this year was 603,697. Among these, those infected by HIV/AIDS were 30,711.

Until October 2007, the number of Health Centres and Hospitals distributing anti-retrovirals were 173, and this is an increase by 44 centres as compared to the year 2006.

From the time the programme of distributing anti-retrovirals to those infected, up to October 2007, the number of infected adults who were getting these drugs totalled to 41,701. The additional number from 2006 to October 2007 is 12,768.

2.2.4. Right to Education

Regarding education in Primary and Secondary Schools, the statistics indicate that there is gradual progress as compared to the previous years.

¹ KIE : Kigali Institute of Education

² UNR : Université Nationale du Rwanda

³ KHI : Kigali Health Institute

- **Primary Education**

In the year 2006, the number of children admitted into primary schools was 2,019,991. In the year 2007, this number rose to 2,150,430. During this year, the number of male pupils was 1,058,026 (49,2%) whereas that of girls was 1,092,404 (50,8%).

The number of primary schools increased for, in 2006 they were 2,323 whereas in 2007 the number rose to 2,370.

The number of teachers at this level also increased, for it rose from 28,474 teachers in the year 2006 to 29,059 teachers in the year 2007. The number of qualified teachers rose from 27,795 in the year 2006 to 28,508 in the year 2007. However, the ratio of the number of pupils per teacher rose from 70,9 in the year 2006 to 74,0 in the year 2007. This indicates that this level of education still needs many more qualified teachers.

- **Secondary Education**

The number of admissions into secondary schools rose from 140,530 during the year 2006, to 156,375 during the year 2007;

The number of female students in public Institutions rose from 62,546 in the year 2006 to 70,288 during the year 2007; whereas the number of students in Private schools rose from 51,226 during the year 2006 to 56,531 in the year 2007.

As for teachers with degrees, their number increased from 4,082 in the year 2006 to 6,458 in the year 2007. The ratio of the number of students per teacher dropped from 32,0 students per teacher in the year 2006 to 22,2 per teacher in the year 2007.

2.2.5. Major achievements of different institutions regarding the promotion and protection of Women's rights.

Regarding promotion and protection of women's rights, different achievements were realized. These achievements are the following:

There was enacted Law n°51/2007 of 20th September 2007 determining the duties, the organization and the functioning of the Gender Observatory Committee.

For the implementation of the respect for these rights, the Government of Rwanda prepared a three-series report (n° 4, n° 5 and n° 6) on the implementation of the International Convention on the elimination of all forms of discrimination against women. This National Report of July (2007) was forwarded to the United Nations Committee on the Elimination of Discrimination against Women.

- **Fight against gender-based violence and violence done in families**

Based on information from the National Police, this problem has been reduced during the year 2007 as compared to other years. Regarding the crimes of rape by people above 18 years of age, up till the month of November 2007, the Police had registered 491 complaints whereas in the year 2006 it had registered about 597 complaints.

There has also been put in place a system to fight violence against women and the local administrative authorities have been asked to include this in their strategic plans.

2.2.6. Refugees' Rights

The number of foreign refugees living in Rwanda up to 21 November 2007 was 53,216, coming especially from the countries sharing boundaries with Rwanda.

In the context of protecting the rights of these refugees, the Government of Rwanda, jointly with the United Nations High Commission for Refugees (UNHCR) assists them in different activities including: getting them shelter, water, cleanliness, food and meeting basic needs, security, education, health services and granting them the refugee status and refugee documents.

Furthermore, in the context of protecting and defending refugees' rights, from 8th to 10th October 2007, there was held in Kigali, the 6th Conference of African National Human Rights Institutions in charge of promotion and protection of human rights. This Conference brought together representatives of 28 African National Human Rights Institutions and other people representing Non Governmental Organizations responsible for human rights protection.

The theme of the Conference was "The Role of African National Human Rights Institutions in the protection of Refugees, Internally Displaced Persons (IDPs) and stateless persons in Africa".

At the end of the 6th Conference, there was drafted "The Kigali Declaration of African National Human Rights Institutions", containing the decisions of the said institutions regarding the protection of the rights of the refugees, IDPs and stateless persons.

2.2.7. The Returnees' Rights

During the year 2007, there were 15,411 Rwandans who returned home from Tanzania, Uganda, Congo and Malawi. The largest number was those who returned from Tanzania. Of these Rwandans returning home 6,704 rejoined their families; other 8,974 grouped in 2,406 families were resettled in 20 different places. Those resettled had their contributions paid to benefit by the services of the mutual health insurance scheme.

Those returning Rwandans are provided with food to live on, for a period of six months, together with other basic needs, and then they are transferred to their respective Districts of origin and are helped to resettle to normal life in accordance with Government policies.

III. ACTIVITIES OF THE COMMISSION DURING THE YEAR 2007

3.1. SENSITIZING AND TRAINING ALL CATEGORIES OF RWANDAN POPULATION ON HUMAN RIGHTS (Article 4 [1°])

During the year 2007, as regards training and sensitization of all categories of Rwandan citizens on matters of Human Rights, the National Commission for Human Rights organized Seminars and Conferences for different categories of the population.

3.1.1. Sensitization of Rwandan Population on Human Rights

Sensitization of the Rwandan population on human rights centred mostly on conferences relating to human rights by means of radio broadcasting, newspapers and lectures delivered to different categories of people.

3.1.1.1. Conferences organized for different categories of people

Lectures on human rights were organized for the following categories of Rwandan population:

A. Students and Teachers

During the year 2007, the Commission carried further the promotion of human rights in primary schools, secondary schools and universities. On invitation or on its own initiative, the Commission organized conferences for students and teachers in primary schools, secondary schools, to the candidates for university and to university students.

The organization of these conferences is indicated in the table below:

District	Date	Beneficiaries	Number
Rutsiro	20 - 22/4/2007	Primary School Teachers	1.007
	2 - 3/8/2007	Secondary School Administrators and Teachers	223
Nyamagabe	28/5 - 1/6/2007	Secondary School Students and Teachers	7.000
Rubavu	21 - 25/5/2007	Secondary School Students and Teachers	5 251
Nyabihu	1 - 4/6/2007	Secondary School Students and Teachers	8.924
Ngororero	18 - 22/6/2007	Secondary School Students	5.314
Gicumbi	18 - 22/6/2007	Secondary School Students and Teachers	7.492
Kamonyi	18 - 21/6/2007	Secondary School Students and Teachers	1.506
Nyaruguru	26 - 29/6/2007	Secondary School Students and Teachers	4.029

Burera (NKumba)	21/6/2007	Candidates for University	840
	27/7/2007	Candidates for University	690
	25/8/2007	Candidates for University	831
	20/11/2007	Candidates for University	650
Kirehe	27 - 31/7/2007	Secondary School Students and Teachers	3.481
Gakenke	3 - 7/9/2007	Secondary School Students and Teachers	8.425
Ruhango	3 - 13/9/2007	Secondary School Students and Teachers	10.901
Ngoma	4 - 14/9/2007	Secondary School Students and Teachers	5.249
Gasabo	17 - 21/9/2007	Secondary School Students and Teachers	6.621
Kayonza	18 - 21/9/2007	Secondary School Students and Teachers	7.869
Rusizi	24/9 - 1/10/2007	Secondary School Students and Teachers	8.812
Nyabihu	13 - 16/11/2007	Primary School Teachers	1.137
TOTAL			96.029

For each category, the conference centred on the following themes:

- Introduction to Human Rights ;
- The Rights of the Child.

B. People who abandoned Infiltrators

During the year 2007, the National Commission for Human Rights, on the invitation of the Rwanda Demobilization Commission, organized conferences on human rights, for people who had been infiltrators. The conferences were organized at Mutobo, Musanze District in the Northern Province, on different dates and the beneficiaries totalled to 306.

The conferences dealt with the following themes:

- Introduction to Human Rights ;
- The Nation, Citizenship, the Rights and Duties inherent to these rights ;
- International Conventions on the Prevention and Punishment of the Crime of Genocide and other Crimes against Humanity, as well as the Rwandan Laws punishing these crimes ;
- International Convention on the Elimination of all Forms of Racial Discrimination and the Rwandan Laws punishing the crimes of discrimination and sectarianism.

C. Beneficiaries of Conferences during the 13th Memorial of the Genocide Victims

During the period for remembering the victims of the 1994 genocide, the Commission organized conferences in the Sectors of Kinyinya and Runda on 11th and 12th April 2007. A total of 344 people benefited by these Conferences. It was in this connection also that the Commission organized a conference for 250 Moslem youth at Nyamirambo, on 21st April 2007. The Conference took place in the Conference room of "Centre Islamique" (Islamic Centre).

The following themes were dealt with:

- Introduction to Human Rights ;
- The Genocide, its consequences and laws punishing it.

D. Members of different associations

On 20th February 2007, the Commission held a conference on human rights, intended for 31 representatives of the youth of Kabgayi Diocese during a seminar organized by the Diocese sponsored by the German Department in charge of Development (DED).

The following themes were dealt with:

- Introduction to Human Rights ;
- International Covenant on Economic, Social and Cultural Rights ;
- International Covenant on Civil and Political Rights.

The National Commission for Human Rights also held a conference for 38 members of the RUYAAC-KADOGO Association, from Ruhango and Muhanga Districts, at a seminar organized by the Commission for Unity and Reconciliation. This conference was held on 13th September 2007, and dealt mainly with the following themes:

- The mission, competence and functioning of the National Commission for Human Rights ;
- The Rights of the Child and the laws protecting these rights ;
- Women's Rights and the laws protecting these rights.

E. Security Agents

On 22nd June and 6th November 2007, on the invitation of the Southern Province, the National Commission for Human Rights held a conference on human rights, for the Local Defence Forces in a Conference room at the former site of ESO in Butare. At both these sessions there were a total of 1,480 beneficiaries. The theme of the Conference related to the Fundamental Principles of Human Rights.

The Commission also organized conferences for leaders of the National Police and the Army. The table below indicates how these conferences were organized:

Date	Venue of the conference	Beneficiaries	Number
12/7/2007	Fatima Hotel (Musanze)	Police Post Commanders, Police Stations Commanders, Judicial Police Officers (OPJ), DJPONA, Intelligence Staff	61
25/7/2007	The Police Conference Room, at Kacyiru	Leaders of the Police	80
9/8/2007	Southern Province (Mt Huye)	"	85
12/8/2007	Dereva Hotel	"	80
20 - 24/8/2007	Hill top Hotel (Remera)	"	32
16 - 20/7/2007	Centre Bethania	"	65
20/7/2007	Gako	"	38
2/8/2007	Nasho	"	1500
TOTAL			1941

The following conferences were held:

The Heads of the Police Stations and Intelligence Staff attended a conference on the theme: "Law of Human Rights", with the following items:

- Introduction to Human Rights ;
- Human Rights in the Constitution of the Republic of Rwanda ;
- Laws protecting human rights in war times.

A conference was also held for 60 higher authorities of the Police, on the Law governing political parties and politicians as well as the functioning of the political parties and the right to form a group and that of expression of opinion.

F. Members of the National Ballet "Itorero"

On the invitation of the Ministry of Local Administration, Good Governance, Community Development and Social Affairs, the Commission organized conferences for Members of "Amatorero" of the Southern Province and Kigali City:

- Huye : 440 "Intore" members
- Nyamagabe : 539 "intore" members
- Nyanza : 570 "intore" members
- Gisagara : 371 "intore" members
- Gasabo : 683 "intore" members

The themes discussed were:

- The historical background of Human Rights in Rwanda;
- The role of “Itorero” in the prevention and fight against divisionism and the genocide ideology.

3.1.1.2. Programmes broadcasted on different radios

In the context of sensitizing Rwandans on human rights, the Commission continued to conduct its programme “Uburenganzira iwacu” (Rights at our home), broadcasted on Rwanda Radio. The National Commission for Human Rights continued to sensitize the Rwandan population on human rights through programmes on different themes indicating these rights as well as the activities of the Commission aimed at promoting and protecting these rights.

The broadcasts concerned mainly the following themes:

- Genocide is an extraordinary crime which does not have a period of limitation and that should be fought against all over the world
- Education has an important role to play in the promotion of human rights;
- Poverty and isolation retard the Abatwa’s welfare;
- The Fundamental Principles of Human Rights are among the pillars of religious teaching;
- The Catholic Church teachings have close relationship with teachings on human rights;
- Contents of the International Convention against genocide;
- Some of the fundamental principles protecting human rights;
- The United Nations High Commissioner for Human Rights, Mrs Louise ARBOUR, was happy about the abolition of the death penalty in Rwanda;
- Summary of the contents of the Commission’s Annual Report for 2006;
- The Commission maintains good collaboration with other institutions responsible for finding solutions to people’s problems;
- Fighting gender-based violence against women in the families and the duty of each individual;
- Major articles of the Law governing matrimonial regimes, liberalities and successions;
- The matrimonial rights to inheritance of property left by either of the spouses after death;
- The role of African National Human Rights Institutions in the protection of refugees, the displaced and those without citizenship;
- The solution to the problems of refugees and the displaced is to be found in the causes of those problems;
- The role of the National Commission for Human Rights in finding solution to refugee problems;
- Some of the International Conventions on human rights signed by Rwanda in 2007 are important;
- Signing International Conventions on Human Rights is good but giving reports on activities respecting them is even better;
- The Universal Declaration on Human Rights is of an importance that could be a duty in fighting for rights and freedom for world citizens.

3.1.1.3. Annual Days Commemoration Activities

During the year 2007, the National Commission for Human Rights took part in the commemoration of Annual Days regarding human rights. In this connection, the Commission disseminated different messages sensitizing Rwandans on human rights, through radio programmes, banderols and newspapers.

The Annual Days commemorated are the following:

- The International Women's Day : 8 March 2007 ;
- The International Day to Combat Racism : 21 March 2007 ;
- The International Labour Day : 1 May 2007 ;
- The African Child Day : 16 June 2007 ;
- The Annual Day for the International Convention on the Prevention and Punishment of the Crime of Genocide : 9 December 2007 ;
- The International Human Rights Day: 10 December 2007.

Regarding the Annual Day for signing the International Convention on the Prevention and Punishment of the Crime of Genocide commemorated on 9th December every year, the Commissioners and Commission Workers together with members of the Civil Society visited the genocide memorial sites of Nyamata and Ntarama in Bugesera Districts, with the aim of stressing the role of every Rwandan citizen in fighting for the right to life. T-Shirts were also distributed, printed with messages condemning genocide.

Similarly, in commemoration of the Annual Day for Universal Declaration of Human Rights, based on the United Nations theme for the year 2007, namely "The Universal Declaration of Human Rights is the fundamental text in fighting for the right to freedom when the citizens seek its support and make it their own". The Ministry of Justice, jointly with the Commission and CLADHO organized a programme "Kubaza bitera kumenya" (Inquiry leads to knowledge) passed on through Radio and Television on 8th December 2007. On 10th December 2007, the celebrations took place on Jari Hill, in Gasabo District, where the Minister of Justice, who was the Guest of Honour and Government Representative at the ceremony, delivered a message intended for the Rwandan population. Messages were also disseminated printed on banderols and T-shirts.

3.1.2. Human Rights Education for Rwandan population

During the year 2007, the Commission conducted seminars for different categories of people on issues regarding human rights: local authorities, volunteers in human rights, members of the Committee responsible for monitoring respect for Children's Rights, members of Associations, representatives of different religious denominations and others.

A. Those living with AIDS infection intended to train others

From 22nd to 23rd May 2007, the Commission conducted a seminar for 48 people who were supposed to train other members of the Association of people living with AIDS infection in Muhanga District. Their seminar comprised the following lectures:

- Introduction to Human Rights ;
- Human Rights, Duties of the Citizen and those of the Government in the Constitution of the Republic of Rwanda ;
- Rwandan laws instituting punishment of the offence of discrimination, sectarianism and genocide ;
- The Rights of the Child and laws protecting these rights ;
- Economic, Social and Cultural Rights.

B. Authorities and some of the workers at grass-roots level

From 20th to 21st February 2007, the Commission played a part in the seminar organized by the Ministry of Local Administration, Good Governance, Community Development and Social Affairs for 93 local leaders in Burera District. Among the 14 lectures delivered, one concerned human rights.

C. Human Rights Volunteers

During the year 2007, the Commission carried further seminars for its volunteers at sector and district levels, and they even elected among themselves some focal point persons responsible for the leadership of committees at sector and district levels. The committees are responsible for following up the respect for children rights in particular and the respect for human rights in general.

The table below indicates the organization of these seminars:

District	Venue of the Seminar	Number of Participants
Karongi, Rutsiro	Karongi	42
Gatsibo	Kiramuruzi	17
Nyarugenge, Gasabo, Kicukiro	Kicukiro	44
Nyaruguru, Nyamagabe	Nyamagabe	73
Ngoma, Kirehe	Ngoma	24
Gisagara	Gisagara	98
Nyanza	Nyanza	127
Rubavu	Rubavu	22
Kayonza, Rwamagana	Rwamagana	49
Bugesera	Nyamata	24
Rulindo, Burera, Gicumbi	EER Byumba	77
TOTAL		652

These seminars were conducted for volunteers from those districts presenting small numbers of participants to the seminar organized in November 2006.

The National Commission for Human Rights has one volunteer at each sector level and one at each district level. Altogether they are 446 volunteers.

The following lectures were delivered during the seminars:

- The organization and functioning of the National Commission for Human Rights;
- The rights of the child and laws protecting these rights.

D. Members of Sector and District Children's Rights Observatory Committees

After determining the objectives of the children's rights observatory committees, its members, its mission and its organization at a meeting held on 7th December 2006 which had brought together the Commission and different institutions and organizations having in their attributions matters concerning the protection and promotion of children's rights, in the year 2007, members of sector and district committees from different categories were confirmed.

So as to enable members of these committees to accomplish well their duties, the National Commission for Human Rights, with the assistance from UNICEF, organized for them seminars on human rights in general and on children's rights in particular. It is in this connection that, in all Provinces in the country and Kigali City there were conducted seminars for members of the Children's Rights Observatory Committees at district and sector levels.

The table below indicates the dates and the number of beneficiaries of these seminars.

Province	Dates	Number of beneficiaries
Eastern Province	From 16 to 17 June 2007	1607
Western Province	From 23 to 24 June 2007	1618
Northern Province	From 28 to 29 November 2007	1420
Kigali City	From 4 to 5 December 2007	524
Southern Province	From 7 to 8 December 2007	1438
TOTAL		6.607

The seminars conducted by the National Commission for Human Rights were prepared with the help of teaching aids constituted by two booklets: one containing the International Convention on the Rights of the Child, the African Charter on the Rights and Welfare of the Child and the Law n° 27/2001 of 28th April 2001 relating to the rights and protection of the child against violence. The other booklet contains lessons intended for members of those Committees. The lessons contained in this latter booklet are the following:

- The National Commission for Human Rights and its mission ;
- Introduction to Human Rights ;
- International Laws and Rwandan Laws relating to the Rights of the Child and implementation of these laws ;
- Monitoring and reporting on the respect for human rights.

E. The Youth organized under the Association RUYAAC-KADOGO

From 9th to 10th June 2007, at “Complexe de Rwamagana”, and from 30th to 31st August 2007, at “Guest House Urumuri” in Musanze District, the Commission conducted a seminar for 40 members of RUYAAC-KADOGO Association in the Districts of Rwamagana, Kayonza, Gatsibo and Nyagatare, in the Eastern Province and 40 from the District of Musanze and Gakenke, in the Northern Province.

The following lectures were delivered:

- Mission, Competence and Organization of the National Commission for Human Rights ;
- Human Rights and Peace Culture ;
- The Rights of the Child and laws protecting these rights ;
- Women’s Rights and laws protecting these rights.

F. Members of the Forum for those living with HIV/AIDS

From 22nd to 23rd May 2007, in Muhanga District, the Commission conducted a seminar for 48 people, members of the Forum for those living with the AIDS virus who will train others.

The following lectures were delivered:

- The Fundamental Principles and categories of Human Rights ;
- Human Rights, Duties of the Citizen and those of the Government in the Constitution of the Republic of Rwanda ;
- International Conventions and Rwandan Laws instituting punishment for offences of discrimination, sectarianism and genocide ;
- The Rights of the Child and laws protecting these rights ;
- Social and Cultural Rights ;
- Women’s Rights and laws protecting these rights.

G. Members of “Ibuka” in the Districts of Musanze, Burera and Gakenke

From 30th to 31st June 2007, in “Home d’Accueil St Vincent” in Musanze District, the Commission conducted a seminar for 69 members of “Ibuka” in the Districts of Gakenke, Musanze and Burera.

The following lectures were delivered:

- Introduction to Human Rights ;
- Human Rights, Duties of the Citizen and those of the Government in the Constitution of the Republic of Rwanda ;

- Rights of the Child and laws protecting these rights ;
- Women's Rights and laws protecting these rights ;
- Economic, Social and Cultural Rights ;
- International Conventions and Rwandan Laws instituting punishment for offences of discrimination, sectarianism and genocide.

H. Journalists from Burundi, the Democratic Republic of Congo and Rwanda

From 1st to 9th May and from 15th to 16th May 2007, at Butare, the Commission conducted seminars for 90 journalists belonging to League of Human Rights in the Great Lakes Region (LDGL³).

The following lectures were delivered:

- Human Rights in the Judiciary ;
- Rights of the Child ;
- Women's Rights ;
- Rights in the Media ;
- The Duties of Rwanda Parliament in the protection of Human Rights (the Rwandan example).

I. Different Associations responsible for the fight and protection of Human Rights

The Commission organized seminars for the following Human Rights Associations:

- From 4th to 5th June 2007, at the Congo Nil Catholic Parish, Rutsiro District, the Commission conducted a seminar for 62 members of Jijuka Association ;
- From 24th to 25th June 2007, at Nyamata, Bugesera District, a seminar was conducted for 70 members of the Association for Fighting Torture and Violence (ALTV⁴) ;
- From 26th to 27th November 2007, at "Centre d'Accueil St François d'Assise", in Kicukiro District, the Commission conducted a seminar for 36 members of the Association "Hope for Living" ;

The major lectures for the seminar were the following:

- Introduction to Human Rights ;

³ Ligue des Droits de l'Homme dans la Région des Grands Lacs

⁴ Association de Lutte contre la Torture et la Violence

- The Rights and Duties of the Citizen in the Constitution of the Republic of Rwanda ;
- Rights of the Child in International Conventions and Rwandan laws ;
- Women's Rights in International Conventions and Rwandan laws ;
- Economic, Social and Cultural Rights and Right to Development ;
- International Conventions and Rwandan Laws instituting punishment for offences of discrimination, sectarianism and genocide.

J. Religious Denominations

During the year 2007, the Commission conducted seminars for leaders of different religious denominations. The table below presents the organization of these seminars:

Beneficiaries	Venue of the seminar	Number
Priests of Butare Diocese	Butare	40
Priests of Cyangugu Diocese	Cyangugu	28
Priests of Kabgayi Diocese	Kabgayi	58
Protestant Pastors of CPR (Conseil Protestant du Rwanda / Rwanda Protestant Council)	Butare	54
Priests and Pastors of Byumba	Byumba	37
ADEPER Pastors , "Ururembo" of Gikongoro	Gikongoro	42
Priests of Ruhengeri Diocese	Ruhengeri	45
The "Sheikhs" and "Imams" from all over Rwanda	Masaka	40
TOTAL		344

The following lectures were delivered:

- The mission and functioning of the National Commission for Human Rights ;
- Introduction to Human Rights ;
- Rights and Duties of the Citizen in the Constitution of the Republic of Rwanda and in the African Charter of Human and Peoples' Rights ;
- Economic, Social and Cultural Rights and Right to Development ;
- Rights of the Child in Rwandan laws and International Conventions ;

- Women's Rights in Rwandan laws and International Conventions ;
- International Conventions and Rwandan Laws instituting punishment for offences of discrimination, sectarianism and genocide ;
- The Bible and Human Rights ;
- The Role of Religious people in the promotion and protection of Human Rights.

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3.2. SENSITIZING CONCERNED GOVERNMENT INSTITUTIONS AS REGARDS RATIFICATION OF INTERNATIONAL CONVENTIONS RELATING TO HUMAN RIGHTS AND MAKING SURE THEY ARE INTEGRATED IN INTERNAL LAWS (Article 4 [8°])

Regarding ratification of International Conventions relating to human rights and their integration into internal laws, on 10th October 2007, the Cabinet confirmed the Presidential Orders ratifying some of the International Conventions relating to human rights, which the Commission had requested the Minister of Foreign Affairs and Regional Cooperation in the letter n° CRDH/338/04 of 11th December 2004, to have them ratified; and in the letter n° CRDH/414/07 of 20th August 2007 recalling International Conventions on human rights that should be ratified.

The Cabinet also confirmed the Presidential Orders authorizing the lifting of the reservations of the Republic of Rwanda observed in the year 1975 regarding the Conventions on human rights which the Commission had indicated in the letter n° CRDH/0472/05 of 12th August 2005 addressed to the President of the Republic.

The Presidential Orders ratifying some of the International Conventions on human rights are the following:

- The Presidential Order approving the ratification of the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, signed in New York on 10th December 1984;
- The Presidential Order approving the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, signed in New York on 15th December 1989 ;
- The Presidential Order approving the ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, signed in New York on 6th October 1999 ;
- The Presidential Order ratifying the Convention against the use of unlawful stimulants in sports;
- The Presidential Order approving ratification of the Convention relating to eradication or reduction of the use of some of the ordinary weapons causing serious injury or affecting the public, signed in Geneva on 10th October 1980 ;
- The Presidential Order ratifying the Convention on the protection of the child and cooperation regarding international adoption signed in The Hague, the Netherlands on 29th May 1993.

The Presidential Orders authorizing the lifting of the reservations of the Republic of Rwanda that had been observed with regards to International Conventions on human rights and which were approved by the Cabinet of 10th October 2007 are the following:

- The Presidential Order authorizing the lifting of the reservation of the Republic of Rwanda on Article 13 of the International Covenant on Economic, Social and Cultural Rights, adopted in New York on 16th December 1966 ;
- The Presidential Order authorizing the lifting of the reservation of the Republic of Rwanda on Article 22 of the International Convention on the Elimination of all forms of racial discrimination, signed in New York on 21st December 1965;
- The Presidential Order authorizing the lifting of the reservation of the Republic of Rwanda on Article 9 of the International Convention on the Prevention and Punishment of the crime of Genocide signed in New York on 9th December 1948.

Just as the Commission had indicated it in the letter n° CRDH/0472/05 of 12th August 2005, the reservation regarding the above-mentioned International Conventions had been lifted by the Presidential Decree-Law n° 014/01 of 15th February 1995. This Decree-Law was never ratified by the Transitional Parliament, in accordance with the provisions of Article 20 of the Arusha Supplementary Agreement of 4 August 1993 on Miscellaneous Issues and Final Provisions which stipulated that “The decree-laws adopted by the Cabinet must be ratified by the Transitional Parliament during its following term or else they lose their validity”.

As the said Decree-Law n° 014/01 of 15th February 1995 had lost its validity, it was necessary that the reservation regarding these International Conventions be lifted, thus making it clear that Rwanda has the intention to adhere to all the provisions of these International Conventions and that no violation of human rights could hide behind the reservation.

On 14th November 2007, the Chamber of Deputies was presented with bills authorizing ratification of the lifting of reservation of the Republic of Rwanda on International Conventions mentioned above, so that all the conditions prescribed by the laws in this regard could be met.

The appropriateness of these bills was approved by the General Assembly of the Parliament, both Chambers, then the bills were examined by relevant Commissions and the laws were voted.

At the time of preparing this report, the laws had been submitted to the Prime Minister’s Office, Department responsible for the Government Official Gazette so as to be published.

In general, as regards ratification of International Conventions on human rights, and the lifting of the reservations regarding certain ratified International Conventions on human rights, the Commission finds that almost all what it had requested in the letter CRDH/338/04 of 11th November 2004 addressed to the Minister of Foreign Affairs and Regional Cooperation requesting ratification of International Conventions on human rights which should be ratified, together with the letter n° CRDH/0472/05 of 12th August 2005 addressed to His Excellency the President of the Republic requesting the lifting of reservation on the International Conventions ratified before 4th June 1993, has already been realized.

This action is in fact a great step Rwanda has made with regard to the promotion of human rights and the respect of the same, as well as building the rule of law in the country.

The Commission is now confident that even the reservation on Article 26 of the International Convention relating to the Status of Refugees and on Article IV of the Protocol relating to the Status of Refugees, as well as ratification of the International Labour Organization Employment Policy Convention n° 122, 1964 and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990 will soon be realized, thus ensuring further protection for the rights of workers and those of refugees.

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3.3. SENSITIZING CONCERNED INSTITUTIONS TO GIVE ON TIME REQUIRED REPORTS ON HUMAN RIGHTS INTERNATIONAL CONVENTIONS RATIFIED BY RWANDA (Article 4 [12°])

After the National Commission for Human Rights had transmitted to the Minister for Foreign Affairs and Regional Cooperation, by letter n° CRDH/3032 of 29th December 2006, the document showing how Rwanda has been late in submitting in required reports on the International Conventions on human rights ratified by Rwanda, the Commission also requested him to do everything possible so that Rwanda could respect further the responsibility it has undertaken, to submit periodic reports indicating how the human rights provided for in the International Conventions ratified by Rwanda are respected.

On 21st September 2007, the State Secretary in the Ministry of Foreign Affairs and Regional Cooperation in charge of Cooperation addressed to the Institutions concerned by these International Conventions letter n° 1963/09.01/CAB/SG/AJ/07 requesting for their representatives in a group responsible for preparing the reports on International Conventions relating to human rights.

This group, comprising members from the Ministry of Justice, the Ministry of Public Service and Labour, the Ministry of Internal Affairs, the Ministry of Health, the Ministry of Education, the Minister in the Prime Minister's Office in charge of Gender and Family Promotion and the National Commission for Human Rights has now been established and in the near future it will start preparing the required reports. From 26th to 31st December 2007, a training course was organized for this group as scheduled earlier.

The National Commission for Human Rights is confident that this will be done soon, and thus Rwanda would prove further how the rights prescribed by the International Conventions on human rights ratified by the country are getting more and more respected.

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3.4. FOLLOW-UP OF CASES RELATING TO VIOLATION OF HUMAN RIGHTS, WHETHER REPORTED TO THE COMMISSION OR FOUND OUT BY THE COMMISSION ITSELF (Article 4 [2°]).

During the year 2007, the Commission carried further this responsibility by following up different cases relating to violation of human rights reported to it or which the Commission took the initiative to follow up because of their seriousness.

Among the cases followed up by the Commission, there are complaints relating to unlawful arrests and imprisonment following ordinary offences and those followed up by Gacaca Jurisdictions, complaints regarding delayed cases and cases where court decisions are not implemented, complaints relating to killing and persecution of genocide survivors and those willing to tell the truth about what happened during genocide, cases of raping children, complaints regarding the rights to health, cases regarding violation of the right to life, those relating to the respect of human rights in Gacaca courts, during elections and other complaints regarding violation of human rights.

A. Unlawful arrests and imprisonment

This section presents complaints relating to unlawful arrests and imprisonment in connection with ordinary offences and genocide crimes being followed up by Gacaca courts during the phase of court hearings on crimes of genocide.

a. Unlawful arrests and imprisonment of people suspected of ordinary offences

In this section, are presented a few cases of people who are imprisoned without prior interrogation to establish their case files, cases of those who remain in prison whereas the courts have ordered their release, those who stay in custody for a longer period than provided by the law, those imprisoned by unauthorized entities. There are also presented cases of people who are detained and take long without appearing before the court and thus stay in detention longer than the punishment they would be given in case they are found guilty.

1. Detention of people suspected of unlawful exchange of money

The case of detaining people suspected of practising unlawful exchange of money in Kigali City was reported to the Commission by different people and on different dates.

On 17th January 2007, TWAHIRWA Tito, a resident of Gatenga Sector in Kicukiro District, wrote to the Commission seeking rescue for about 20 people who had been detained at Nyamirambo Police Station in Kigali City, on account of unlawful exchange of money. He also said that when they were being arrested, some passers-by were also included, who are not usually involved in this practice. He added that these detainees were not allowed to receive visits, and thus were starving.

On 22nd January 2007, UWINGABIRE Tabeya and MUKARUGIRA Tharcille wrote to the Commission requesting it to render justice to their husbands, MAZIMPAKA Dieudonné and SIBOMANA Jacques who had been arrested and detained.

Again on 31st January 2007, INGABIRE Joseline wrote requesting that justice be done to her husband, MUKASA Joseph, whereas on 19th February 2007, MWIZERWA Fanny wrote requesting justice to be rendered to her husband, INGABIRE Jean-Pierre.

All these men were among those arrested and detained, suspected of unlawful exchange of money, some detained in the custody at Nyamirambo or Muhima Police Station.

On 20th January 2007, the Commission went to Nyamirambo Police Station and met the Policeman heading the prosecution, MUTWARE Innocent, and he declared to the Commission that the Police Station was providing accommodation to 20 people arrested by the police leadership in Kigali City, in the context of doing away with disorderliness in the City. He explained that most of them were involved in unlawful exchange of money and others suspected of stealing mobile telephones. He said that these detainees were visited once a week.

The Commission noticed that at Nyamirambo custody, there were 28 detainees. The Commission discussed with them and they informed it of the time of their arrest and their usual occupation in the City. Three of them were actually involved in unlawful exchange of money; others did jobs relating to selling or repairing mobile telephones. Certain others said they were arrested while on their way to have their telephones repaired.

On 23rd January 2007, the Commission discussed the matter with the Police leadership in Kigali City, and they agreed to release the detainees and indeed this was effected the following day.

Since the suspects were being arrested on different dates and since they were staying in custody for many days without their files being prepared, every time the Commission had discussions with the Police leadership in Kigali City, requesting that the criminals should have their files prepared and be prosecuted according to the law and those who have no evidence to prove them guilty should be released.

In general, it was not the first time that this issue of detaining people involved in money exchange was reported to the Commission. Although it is done by the Police under the pretext of doing away with disorderliness in the City, the Commission finds that it is contrary to Article 37 of the Law n° 13/2004 of 17th May 2004 relating to the code of criminal procedure. This article prescribes reasons that could lead to detention of the suspect.

This question deserves consideration because it is not fair that people get arrested and detained without first being interrogated, and get released without any file being established. If people are arrested and detained as suspects of offence, their files should be prepared, and then they should be brought before the court so that if they are criminals they could be punished according to the law.

The Commission takes this opportunity to request the National Police Higher Authorities to issue concrete directives so that the Police in Kigali City stops completely the unlawful arrests and detention of people, which is always followed by their release without any file being prepared, and without having been brought before the court.

2. Detention of UBARIJORO Damien

On 14th February 2007, when the Commission visited the Kanjongo Police Custody, Nyamasheke District in Western Province, it learnt the issue of the unlawful detention of UBARIJORO Damien.

Following investigation done on this matter, the Commission learnt that UBARIJORO Damien was detained temporarily by the Gacaca Court of Kirimbi Sector on 24th April 2006. However, further examination effected by the Commission indicated that the detention warrant did not state reasons for this detention.

The Gacaca Court of Kirimbi Sector, Nyamasheke District tried him on 30th January 2007 and declared him innocent of the genocide crimes he had been accused of and the court issued a warrant releasing him. However, until 15th February 2007, when the Commission visited the District, UBARIJORO Damien was still in detention in Cyangugu Prison.

On 15th February 2007, the Commission visited UBARIJORO Damien at his place of detention in Cyangugu Prison and he declared to the Commission that the reason why he was not being released was the fact that those supposed to transmit his release warrant to the Prison do not do so because they are actually among those who had plotted against him to have him detained.

After investigations on this case, the Commission learnt that the warrant to release him had been issued by the Gacaca Court which had handled his case. Instead of being forwarded to the prison, it was kept by Kanjongo Police Station, on the orders of the District Police Commander (DPC) who did so because he had grudges against the accused.

After leaving Nyamasheke, the Commission discussed this case with the Chief Commander of the National Police, and asked him to have it settled.

The Commission learnt later that UBARIJORO Damien was released on 27th February 2007 after spending twenty eight days in detention though the court had ordered his release. However, the person responsible for this was punished for it.

The Commission finds that injustice has been done to UBARIJORO Damien when he stayed in detention for twenty eight days though he had been released by the court.

3. Arrest and detention of HIGIRO Jean Marie Vianney

On 6th August 2007, MUKABAGIRA Alexia, a resident of Kamuhoza Cell, Kimisagara Sector reported her complaint to the Commission seeking justice to be done to her husband, HIGIRO Jean Marie Vianney, who had been in detention at Nyamirambo Police Station since 27th July 2007, and she claimed that his detention was unjust.

On 8th August 2007, MUKABAGIRA Alexia reported to the Commission and gave further explanation on her complaint. She said that her husband is detained at Nyamirambo since 27th July 2007 and that he had stayed in custody for thirteen days without having his file prepared. She also informed the Commission that her husband was arrested on accusations that he had thrown stones on the house of an

old woman called MUKAGAKWAYA Marguérite. She said that her husband had once been detained, suspected of this same crime together with three other people, and later they had been released by the Police on condition that they would be reporting to it regularly. It was two weeks later that he was re-arrested alone and was put back into custody without a file.

That same day, the Commission went to Nyamirambo Police Station to follow up this case. The Head of the Police Station informed the Commission that HIGIRO Jean Marie Vianney had been re-arrested because stones had again been thrown on the house of MUKAGAKWAYA Marguérite and that investigations were still going on. When asked whether the detainee's file had been forwarded to the Prosecutor's office, he said it had not yet been sent there. When asked whether the detainee's first release on temporary basis had been decided on by the Council of Judges, he said that this was done by the Police because even then the case file had not been sent to the Public Prosecution Service.

When the Commission requested to talk to HIGIRO Jean Marie Vianney and to check in the detainee's registry, it was not authorized. However, the Commission learnt that HIGIRO Jean Marie Vianney was released that day in the evening having spent thirteen days in detention without his case file being prepared.

On 10th August 2007, HIGIRO Jean Marie Vianney wrote to the Commission seeking protection and requesting that justice be rendered to him in connection with injustice done to him because he was being repeatedly arrested by the Police on accusations that he threw stones on the house of his neighbour, MUKAGAKWAYA Marguérite who claimed that her ill-treatment was due to the fact that she is a witness in Gacaca courts. HIGIRO Jean Marie Vianney said that he was subjected to these detentions as a plot against him because they are not based on any evidence as to his crime.

He informed the Commission that he had been detained several times for different periods as follows:

- 13th – 18th June 2007
- 28th June – 5th July 2007
- 27th July – 8th August 2007.

For the last time he was released on the request of the Commission, based on the complaint brought to it by his wife, MUKABAGIRA Alexia.

In his complaint also, HIGIRO Jean Marie Vianney says that he had decided to flee from his place of residence, afraid of these repeated detentions.

In October 2007, HIGIRO Jean Marie Vianney informed the Commission that the problem of his continued detention on account of throwing stones on the house had been settled. He said that investigations conducted by the Police established that it was MUKAGAKWAYA Marguérite herself who threw stones on her own house. Policemen and Local Defence Agents were assigned to protect her house day and night and yet stones continued being thrown on to the house. Later on investigations by the Police indicated that MUKAGAKWAYA Marguérite was the one who was throwing stones on her own house. She was arrested and even a domestic worker in the house witnessed against her in this regard.

The said domestic worker told the Police that MUKAGAKWAYA Marguérite used to injure him in the head and then gave him five thousand francs (5,000 RWF) so that he says a stone had been thrown at him.

After the Police had established evidence, it prepared a case file and submitted it to the Public Prosecution but MUKAGAKWAYA Marguérite was released after staying in custody for only ten days, allegedly because of her old age (she is now 70 years old).

The Commission finds that injustice has been done to HIGIRO Jean Marie Vianney because he was repeatedly arrested, detained and remained in custody for many days without any case file being prepared in his name.

4. Detention of NAKABONYE Emmanuel

The case of NAKABONYE Emmanuel has been presented in detail by the Commission in its annual report for the year 2005.

NAKABONYE Emmanuel says that he was arrested on 11th June 1998 and was brought to Kigali Central Prison on 12th July 1998, accused of the crime of dishonesty, and he has now been in prison for nine years. The root cause of his imprisonment is his paternal Uncle named BAVUGIRIJE Cyprien, for whom he used to work, selling beer for him at Nyamirambo in Kigali City.

The Commission had written to the Head of the Prosecution at higher instance of Nyarugenge, letter n° CRDH/2086/06 in February 2006, requesting him to do everything possible so that the case file n° RMP 2028/S13/RE/MUTEV concerning charges against NAKABONYE Emmanuel could be examined without delay because it is doubtlessly clear that his rights to a court decision within reasonable time have been violated. The Commission took that opportunity to express its concern that even if he was to be found guilty of the charges against him, the period he has already spent in prison is by far longer than the imprisonment punishment he would be given.

Based on the contents of the said letter of the Commission, in his letter n° 2864/D.11/A/PGR/INSP of 21st December 2006, the Chief Prosecutor of the Republic wrote to the Prosecutor at Higher Instance of Nyarugenge asking him to submit to him, with immediate effect, the decision taken regarding the case of NAKABONYE Emmanuel's imprisonment.

On 15th March 2007, the Commission went back to the Prosecution Service at Higher Instance of Nyarugenge, and the Secretary of the Head of the Prosecution stated that they were still trying to find NAKABONYE Emmanuel's case file.

On 2nd July 2007, the Commission went to the Kigali Central Prison and found that NAKABONYE Emmanuel was still in detention, and he declared to the Commission that ever since he brought his complaint to it, he has never appeared before any instance of justice.

Having observed that NAKABONYE Emmanuel's right to appear before the court within reasonable time continued to be violated and that the Commission had received no reply, on 28th August 2007, the Commission wrote to the Chief Prosecutor of the Republic letter n° CRDH/418/07 requesting

him to do everything possible so that the case file of NAKABONYE Emmanuel could be examined with immediate effect, as he had not been brought before any instance of justice. In this letter also, the Commission had indicated that even if he was to be found guilty of the crime, the period he has already spent in prison is by far longer than the imprisonment punishment he would be given.

The Commission learnt that NAKABONYE Emmanuel was released in September 2007, without even any court decision taken.

Even though NAKABONYE Emmanuel has been released, the Commission observes that the Prosecution Service at Higher Instance of Nyarugenge neglected this case though the Commission had indicated it to the prosecution.

The Commission finds that all those involved in this injustice should be prosecuted.

5. Detention of MAZIMPAKA Narcisse

On 16th June 2006, the National Commission for Human Rights was written a letter by MAZIMPAKA Narcisse who is in detention in Kigali Prison, requesting justice to be done to him because he has been in prison for twelve years, suspected of being involved in the plot regarding robbers who stole from a businessman he used to work for, and yet his case file n° RMP 9268/S11/NG has never been forwarded to court.

In its investigations, the Commission found out that MAZIMPAKA Narcisse was detained on 4th August 1995 suspected of plotting with thieves, but his case file could not be found in the records of the Prosecution Service at Higher Instance of Nyarugenge.

On 9th November 2006, the Commission wrote to the Chief Prosecutor of the Republic letter n° CRDH/2059/06, requesting him to look for MAZIMPAKA Narcisse's case file and have it examined very quickly, because he had spent a long time in detention and his right to appear before the court within reasonable time have been violated.

The case of MAZIMPAKA Narcisse had also been presented in the Commission's annual report for the year 2006⁵, but by the end of the said year the Commission had received no response to the said letter and MAZIMPAKA Narcisse was still in detention.

On 9th July 2007, the Commission found that MAZIMPAKA Narcisse was still in detention.

On 17th August 2007, the Commission wrote again to the Chief Prosecutor of the Republic letter n° CRDH/411/07 requesting that MAZIMPAKA Narcisse should be released because even if his case file were to be found and he is brought before the court and found guilty, the imprisonment punishment he could get would be much less than the period he has already remained in detention.

At the time of preparing this report, the Commission had received no reply to these letters and MAZIMPAKA Narcisse was still in detention.

⁵ Commission's Annual Report for the year 2006, p. 60.

The Commission finds that the right of MAZIMPAKA Narcisse to have a court decision within reasonable time have been violated.

The Commission requests once again the Chief Prosecutor of the Republic to do everything possible so that justice is rendered to MAZIMPAKA Narcisse.

6. Detention of MUKARUBAYIZA Valeriya

The complaint regarding MUKARUBAYIZA Valeriya reached the Commission during the year 2006, brought by HABARUREMA Jean Damascène, a resident of Bugaragara Cell, Shyorongi Sector, Rulindo District in the Northern Province. HABARUREMA wrote to the Commission requesting it to render justice to MUKARUBAYIZA Valeriya, saying she has been in detention at Kigali Central Prison since 28th January 1995 without any case file nor is she being called for trial.

HABARUREMA says that MUKARUBAYIZA Valeriya was detained following accusations of her cousin, the son of her paternal uncle, MUGAMBAGE Papias who claimed that she had poisoned two people who used to live at her place, causing their death, and that these included a child of MUGAMBAGE Papias and his house-girl who was even pregnant.

As can be seen in her case file presented to the Commission on 20th October 2006, MUKARUBAYIZA wrote to the Prosecutor of the former Kigali Ngali Prosecution Service requesting him to render justice to her because she had remained in detention for a long time without having a file. She informed this to the Prosecutor of Shyorongi District but she says they did nothing in her favour.

On 11th September 2006, the Commission went to the Kigali Central Prison and met MUKARUBAYIZA Valeriya who gave to the Commission detailed explanation of her case. She said that she was first arrested on 11th November 1994, by inhabitants who were with her half-brother, MUGAMBAGE Papias. They took her to Shyorongi Commune, and according to her, she was so bitterly beaten that it caused her disability.

MUKARUBAYIZA Valeriya told the Commission that she was first detained at the custody of the former Shyorongi Commune, and then left there on 26th January 1995 when she was transferred to Kigali Central Prison. She said that she was never brought before any judge nor was she presented to the Prosecution Office for interrogation. She however confirms that in June 2000, a certain Prosecutor from the Prosecution Service came and found her in the prison and asked her her identity, how she had been detained and the reason for her detention. On leaving he told her that she would be summoned to appear before a judge, but this was never done.

MUKARUBAYIZA Valeriya continues to say that after interrogation by the Prosecution Service she kept on asking to know her case file number but until the time she met the Commission she had not been told the number. She even said that during the year 2002, a certain Prosecutor in the Prosecution Service took her to her home Sector, in the context of investigations, and then she was brought back to the prison; she waited for any follow-up but to no avail. She also explained that in the year 2005 she wrote twice to the Prosecution requesting justice to be rendered to her, but she received no reply.

On 11th September 2006, the Commission went to the secretariat of Kigali Central Prison asking for MUKARUBAYIZA Valeriya's case file, but it was not found; on checking in the records of in-coming detainees even then her name was not found. Before leaving, the Commission requested that the case file continues being searched for so as to ensure its follow-up.

On 16th April 2007, the Commission went again to Kigali Central Prison and found that MUKARUBAYIZA Valeriya had been released temporarily on 13th April 2007.

The Commission finds that the rights of MUKARUBAYIZA Valeriya have been extremely violated because she has been unlawfully kept in detention for about thirteen years.

The Commission requests the Chief Prosecutor's Office of the Republic to do everything possible to do away with such injustice, that those involved in such injustice should be prosecuted and the victim of such injustice should be given compensation.

7. Detention of NYIRAMAHANGA Ziripa

On 20th August 2007, someone who did not mention his name, a resident of Karengye Cell, Karengye Sector in Rwamagana District, wrote to the Commission requesting that it helps him to render justice to his sister, NYIRAMAHANGA Ziripa, who was detained in Ntsinda Prison since 16th July 1997. NYIRAMAHANGA Ziripa is detained under n° RMP 00510/S1/REMS, on charges of murder.

On 22nd October 2007, the Commission visited NYIRAMAHANGA Ziripa at her detention place in Ntsinda Prison, and found that she had been arrested and detained temporarily in Kigali Prison since 16th July 1997. She was transferred to Ntsinda Prison on 13th March 1998.

In the investigation conducted by the Commission, it learnt that the Prosecutor of the Republic, RUKANGIRA Emmanuel, wrote, on 16th August 1999 to the President of the Kigali Court of First Instance, transmitting to him the case file n° RMP 00510/S13/RE/MS of NYIRAMAHANGA Ziripa, for proceedings on a date to be determined by the court.

During this investigation, the Commission also learnt that on 21st October 2005, NYIRAMAHANGA Ziripa wrote to the President of the High Court of the Republic requesting to be brought before the court, as can be seen in the copy of the said letter, but she never received any reply.

On following up this case in Nyarugenge Court of Higher Instance, the Commission found that NYIRAMAHANGA Ziripa's case file had reached there on 16th August 1999, had been registered under n° RP 38363/Kig. This case file was later forwarded to the High Court of the Republic on 1st November 2004 before any court proceedings took place. At the High Court of the Republic in Kigali, the case file was given n° RP 0080/05/HC/Kig.

The Commission requested that this case be transferred to the High Court of the Republic, Rwamagana Chamber, and thus to have court proceedings there. The secretariat general of the said Court of the Republic programmed this case for proceedings, and the date fixed for it was 11th February 2008.

The Commission finds that NYIRAMAHANGA Ziripa's right to appear before the court within reasonable time has been violated, because she has been kept in detention for more than ten years.

The Commission requests the High Court of the Republic, Rwamagana Chamber, to speed up court proceedings for NYIRAMAHANGA Ziripa for her case has been too much delayed.

8. The case of MUSABYIMANA Béatrice

MUSABYIMANA Béatrice, a resident of Rusagara Village, Mpenge Cell, Muhoza Sector, Musanze District in the Northern Province, reported her complaint to the Commission on 4th June 2007. MUSABYIMANA Béatrice was requesting the Commission to render her her rights in connection with the injustice done to her by UWIMANA Virginie, with the support of the leader of Muhoza Sector, NDAHIRO Amiel. She says that UWIMANA claims that she took her money in the sum of seventy thousand (70,000 RWF) but she gives no evidence; and the Sector leadership upholds that she must pay back this money to her.

MUSABYIMANA Béatrice says that she presented her complaint to the Mediation Committee of Mpenge Cell, but she was not given the right to express herself. The Mediation Committee took a decision that she should pay the money back to UWIMANA Virginie. MUSABYIMANA Béatrice appealed against this decision of the Mediation Committee and when she reached the Muhoza Court of Lower Instance, the court's Chief Clerk wrote her a note referring her to the Police because her complaint concerned a criminal case.

On 15th June 2007, a neighbour to MUSABYIMANA Béatrice whose names the Commission did not want to reveal because of the person's security, made a telephone call to the Commission informing it that MUSABYIMANA Béatrice had been detained by the Executive Secretary of Muhoza Sector on 14th June 2007; the neighbour was asking that justice be rendered to MUSABYIMANA Béatrice because she had been treated unjustly.

The Commission talked to the Mayor of Musanze District and informed him the case of unlawful detention of MUSABYIMANA Béatrice. The Mayor of Musanze District followed up the case, and on 17th June 2007, he informed the Commission that the case of MUSABYIMANA Béatrice's detention had been settled. On that same day, the Commission talked also to MUSABYIMANA and she informed it that she had been released.

The Commission finds that the Leader of Muhoza Sector detained MUSABYIMANA Béatrice unlawfully, because he had no authority to do so. The Commission finds that measures should be taken against this Leader.

b. Unlawful arrests and detention in Gacaca Courts

In this section, are dealt with complaints regarding unlawful arrests and detentions in Gacaca courts. However, there are not presented all complaints relating to human rights violation in Gacaca courts followed up by the Commission. Some of them have been dealt with in detail in the Commission's annual report for the year 2006. Most of them were submitted by the Commission to the Executive Secretary of

Gacaca Courts at national level on 5th December 2007, and she found that most of them were already known to her.

The following examples indicate some of these complaints:

1. The arrest and detention of MWEZI Emmanuel

On 18th January 2007, MUKARUREMA Jacqueline, a resident of Buhonde Village, Kayonza Centre Cell, Mukarange Sector, Kayonza District in the Eastern Province, wrote to the Commission requesting that it helps her to render justice to her husband, MWEZI Emmanuel who was in detention in Ntsinda Prison since February 2007, where he had been transferred after first being kept in custody at Kayonza Police Station since 24th December 2006, and then transferred to the custody of Kabarondo and Kibungo Prison.

MUKARUREMA Jacqueline was requesting for the release of her husband because she found that his arrest and detention were unlawful. She says that MWEZI Emmanuel was arrested at Kayonza on 24th December 2006, on his way from the school where he was studying in K.I.E. branch at Rwamagana. He was arrested by a Policeman named KAMONYO Vénuste who was working at Kayonza Police Station.

MUKARUREMA Jacqueline also says that while KAMONYO Vénuste was arresting MWEZI Emmanuel, he told him that he had an arrest warrant issued by the Public Prosecution Service at Kibungo, charging MWEZI Emmanuel with the intention to flee the country because he was being investigated on in connection with a genocide crime. Later on, MUKARUREMA Jacqueline went to the Prosecution Service at Kibungo to seek explanation regarding the charges against her husband and she was replied that no warrant authorizing MWEZI Emmanuel's arrest has ever been issued by the Prosecution Service.

MUKARUREMA Jacqueline also told the Commission that the root cause of MWEZI Emmanuel's arrest and detention was the rumours that he was preparing to run away from the country, rumours spread by one called RUMASHANA Dany who used to be "a person of integrity" (Inyangamugayo) in the Gacaca Court of Mukarange Cell, together with some other people. She says that RUMASHANA Dany asked MWEZI Emmanuel to corrupt him with a sum of three hundred thousand francs so that he could make disappear MWEZI Emmanuel's file which was in the Gacaca Court. MWEZI Emmanuel refused to give him this money because his conscience was clear of these charges. Then RUMASHANA decided to put him in a fix, by spreading the rumours that he was about to flee to Tanzania. RUMASHANA's intention was to make MWEZI get imprisoned and lose his position as Headmaster of Nyamirama Secondary School in Kayonza District. She added that later on RUMASHANA was caught red-handed getting corrupted by some people who had files in Gacaca courts and that after court proceedings, the court condemned him to three years imprisonment.

During investigations conducted by the Commission, it met MWEZI Emmanuel in Ntsinda Prison. He told the Commission that when he was being arrested, a Policeman by the name of KAMONYO Vénuste told him that he had a warrant to arrest him signed by the Kibungo Prosecutor. He continued to say that later on he learnt that his detention was based on a decision taken on 23rd December 2006 by the Gacaca Court of Nyagatovu Sector, and yet on that day the said Court Bench never met and thus his detention is based on a decision signed after his detention, on 24th December 2006.

The Commission examined MWEZI Emmanuel's file in Ntsinda Prison and found there a warrant authorizing his detention, issued by the Bench of the Gacaca Court of Nyagatovu Sector on 23rd December 2006. The warrant said that: "He is charged with the crimes of murder, joining attacking groups, torturing and perturbing dead bodies and the crime places him in the first category (suspicion of running away)". The said warrant was signed by BIKORIMANA Célestin, Chairman; NKUSI Boniface, Vice Chairman; NDEMEZO James, Second Vice Chairman and RUSANGANWA Célestin, Secretary.

The Commission held talks with the Chairman of the Gacaca Court of Nyagatovu Sector, BIKORIMANA Célestin and he told the Commission that MWEZI Emmanuel had been detained on the basis of the Bench of the Gacaca Court without meeting first and that the warrant had been signed by the members of the Bench after MWEZI Emmanuel's detention, on the demand of the Coordinator of Gacaca Courts in Kayonza District.

MWEZI Emmanuel appeared before the Gacaca Court of Nyagatovu Sector on 25th October 2007. The court declared him innocent of all the charges against him and he was released on 8th November 2007.

The Commission finds that the arrest and detention of MWEZI Emmanuel were unlawful because the decision to detain him was taken after his actual detention and it was signed by the Gacaca Court without a prior meeting of the Court's Bench.

The Commission requests that those who played a role in the arrest and detention of MWEZI Emmanuel should be prosecuted, as well as the leaders who exert pressure on the persons of integrity and thus interfere with Gacaca courts' activities.

2. Detention of Bishop MUNYAGISAKA Philémon

Bishop MUNYAGISAKA Philémon who is in detention in Kigali Central Prison since 20th May 2006 on the order of the Gacaca Court of Kinunga Cell, Gikondo Sector, charged with the intention to flee the country and to falsify evidences of genocide. In its annual report of the year 2006⁶, the Commission indicated that regarding the arrest of Bishop MUNYAGISAKA Philémon, legal procedure was not followed because the accused was not given a chance to defend himself against the charges against him and the decision had been made without a prior meeting of the Bench. The Commission indicated also that in following up this case, the Court of Appeal of Gikondo Sector did not take into consideration the provisions of Article 7 of the Directive n° 10/06 of 1st September 2006 governing arrest and detention, because the accused was never given concrete evidence as to the fact that he falsifies evidences or that he had the intention to flee the country.

By the end of the year 2007, Bishop MUNYAGISAKA Philémon was still in detention for an undetermined period, and without being summoned even once before the court to answer any genocide charges against him.

⁶ Commission's Annual Report for the year 2006, p. 52 - 54.

3. Detention of MUNDANIKURE Jean Marie Vianney

In its report for the year 2006⁷, the Commission explained the unlawful detention of MUNDANIKURE Jean Marie Vianney done by the Gacaca Court of Kabeza Cell, Muhima Sector, Nyarugenge District. The Commission indicated that his detention was actually a kidnap since no Bench of Gacaca court ever met. This kidnapping was done by the Coordinator of Nyagahinga Cell, TWAGIRAMUNGU Moïse, taking advantage of the leading position he occupied. The root cause is actually the misunderstanding relating to misappropriation of funds of an association of people living with AIDS infection called “Twibesheho” of which MUNDANIKURE Jean Marie Vianney accuses TWAGIRAMUNGU Moïse.

By the end of year 2007, MUNDANIKURE Jean Marie Vianney was still in detention and yet he had not been summoned before the court to defend himself against any genocide crimes he might be charged with.

4. Detention of RUTAYISIRE Sophonie

The Complaint of RUTAYISIRE Sophonie who was in detention in Kigali Central Prison, reached the Commission on 5th March 2007. He had been sent into detention by the Gacaca Court of Kanombe Sector on 6th January 2007, on charges that he intended to flee the country and that he was persecuting witnesses.

What was clear to the Commission was that RUTAYISIRE Sophonie had never been summoned to defend himself regarding the charges against him. Furthermore, he was treated unjustly because the proceedings regarding the charges that he persecuted witnesses took place eight months after his detention, whereas he should have appeared before the court before the detention, as normally the crime of intimidation and threat in Gacaca courts does not lead to detention.

5. Detention of NEZEHOSE Sébastien

The case of NEZEHOSE Sébastien was reported to the Commission on 2nd July 2007. He was in detention in Kimironko Prison since 19th May 2007, on the orders of the Gacaca Court of Kagugu Sector on the charges of “running away from Kagugu Gacaca”. And yet, the Commission’s investigation found out that he had never been summoned and refused to respond and in taking the decision he had never been asked to defend himself. After he finally had been brought before the court on 13th September 2007 and declared not guilty by the Gacaca Court of Kagugu Sector, he remained in detention for another twelve days though he had been found guilty of no crime.

6. Detention of MUDENGE Didace

The case regarding the detention of MUDENGE Didace, a resident of Muduha Cell, Gitega Sector, Nyarugenge District, was reported to the Commission on 27th October 2006.

⁷ Commission’s Annual Report for the year 2006, p. 54 – 55

Since 9th June 2006, he was in detention in Kigali Central Prison and was released on 15th October 2007. He was detained without prior proceedings of the Gacaca court on charges of being stubborn and persecuting witnesses. He remained in detention for a whole year, in an unlawful manner.

c. Another issue followed up related to human rights violation in Gacaca courts

• The case of NIYONSENGA Angéline

On 30th March 2007, MUKAGATORE Marie Chantal, a resident of Nyarugenge District in Kigali City, wrote to the Commission requesting for justice to be done to her parent, NIYONSENGA Angéline. The said elderly woman, aged 72 comes from Dawe Cell, Ndora Sector, Gisagara District in the Southern Province and she was among those hunted during the genocide. MUKAGATORE Marie Chantal says that NIYONSENGA Angéline was detained unjustly and that she is now in detention in Butare Prison since 13 May 2007, where she was transferred from the custody of Gisagara District where she had been detained since 6th March 2007. MUKAGATORE Marie Chantal says that NIYONSENGA Angéline appeared before the Gacaca Court of Ndora Sector on 19th April 2007, and was condemned to a 30 years imprisonment.

NIYONSENGA Angéline appeared again before the Court of Appeal of Ndora Sector, on 10th May 2007, in the presence of the Commission, and the court of appeal also condemned her to the same period of imprisonment. She requested that the case be revised on 10th May 2007 but she has received no response as yet.

What the Commission found out while following up this case of 10th May 2007, is that NIYONSENGA Angéline was given no chance to defend herself regarding the charges against her and they ignored what had been written by her son who had come to witness in her favour whereas it was he himself who had given witness against her.

The Commission brought this case to the attention of the Executive Secretary of the National Service responsible for Gacaca Courts, during their talks on 5th December 2007, where the Commission requested the Executive Secretary that NIYONSENGA Angéline be allowed to have her case revised.

Another thing is that the Commission thinks that the Executive Secretariat in charge of Gacaca courts should put into consideration is the ability of such an old woman, aged 72, to undergo court proceedings.

B. Violation of the right to life

1. The death of HABINSHUTI Anicet

On 28th June 2006, AKIMPAYE Marie Thérèse, a resident of Murama Cell, Maranyundo Sector, Bugesera District, in the Eastern Province, wrote to the Commission requesting it to help her follow up the case of her son, HABINSHUTI Anicet who had been beaten in Nsheke Cell, Nyagatare Sector, Nyagatare District and who died as a result of the beatings.

On 4th October 2006, the Commission met the Commander of Nyagatare Police Station. He showed to the Commission the case file n° 030 E.G.M.Nytre/06 prepared by the Police on the death of HABINSHUTI Anicet, adding that the said case file had been forwarded to the Public Prosecution Service of Nyagatare.

On that same day, the Commission met also the Prosecutor in the Prosecution Service at the Higher Instance of Nyagatare. The Commission found that the case file had reached the Prosecution on 9th August 2006 and had been registered under n° RPGR/20772/S1/06/ME/RA.

The Commission learnt that the Police had arrested RUTABINGWA Viateur and then released him because there was no concrete evidence to confirm his crime. The Commission also found that no post-mortem examinations had been made to establish the cause of HABINSHUTI Anicet's death.

The Prosecutor of the Prosecution Service at the Higher Instance of Nyagatare informed the Commission that he had learnt that HABINSHUTI Anicet and NISHYIREMBERE Ignace had been beaten by a mob of inhabitants of NSHEKE Village, resulting into HABINSHUTI Anicet's death.

The Commission met the Coordinator of Nsheke Cell, NSANGANIRA François together with RUCAKANAMA James and they said that HABINSHUTI Anicet and NISHYIREMBERE Ignace were not beaten but that HABINSHUTI Anicet died of epilepsy and even his brother NISHYIREMBERE Ignace said that HABINSHUTI Anicet was actually epileptic.

On 11th October 2006, the Commission went with NISHYIREMBERE Ignace to the Prosecution Service at the Higher Instance so that he could give explanation on the death of his brother, HABINSHUTI Anicet.

The Prosecutor by the name of RUSANGANWA Augustin told the Commission that he would call together all the inhabitants of Nsheke Village and let NISHYIREMBERE Ignace identify those who killed his younger brother, but this was not done.

On 25th October 2007, the Commission met again the Prosecutor of the Prosecution at the Higher Instance of Nyagatare and he said that the file under discussion might have been sent to court because he had reportedly given it to the Prosecutor by the name of SEJEMBA Ismail who had been following it up, so that he could re-conduct another investigation and then the file would be forwarded to court. When the said Prosecutor was asked, he said that the file had not been sent to court as yet.

In its letters n° CRDH/562/07 of 17th September 2007 and n° CRDH/104/07 of 19th February 2007, the Commission had reminded the Chief Prosecutor of the Republic of the case regarding HABINSHUTI Anicet's death, requesting him that the said file could be forwarded to court, thus the people involved in this death could be identified and punished.

The Commission finds that the Nyagatare Police and the Prosecution Service at the Higher Instance of Nyagatare neglected this case because not even a detailed investigation was conducted so that the suspects could be brought to justice.

At the time of preparing this report, the Commission learnt that at last the file had been forwarded to court, after the Chief Prosecutor of the Republic had written to the Prosecutor of the Prosecution Service at the Higher Instance instructing him to follow up this case.

2. The complaint of MUGWANEZA Drocella

The Commission has been following up the complaint of MUGWANEZA Drocella since the year 2006 and has even reported it in its annual report for the said year⁸.

It was on 18th January 2006 that MUGWANEZA Drocella, a resident of Cyahafi, Nyarugenge District, Kigali City, wrote to the Commission requesting that justice be done to her, such that the Chinese by the name of YU DING CHAO who had beaten her husband, MUSHUMBA Issa, causing his death, could be brought to justice authorities.

MUGWANEZA Drocella said that her husband died on 16th December 2004 in the Kigali Central Hospital (CHK) as a result of ill-treatment done against him by YU DING CHAO. The accused was arrested by Muhima Police Station and was handed over to the Kigali Public Prosecution Service where his case file was registered under n° RPGR 0015/S1/2004/NG.R/MSM. However, he was released after a short while in a dubious manner.

The investigation done within the Kigali Prosecution Service on 3rd April 2006 and 6th October 2006 indicated that the above-mentioned case file is not found in the register for complaints forwarded to court during the years 2004 and 2005.

On 9th November 2006, the Commission wrote to the Head of the Prosecution Service at the Higher Instance of Nyarugenge letter n° CRDH/2063/06 requesting him to do everything possible so that the case file n° RPGR 0015/S1/2004/NG.R/MSM could be forwarded to court.

As the Commission had never received any response, on 22nd June 2007, the Commission addressed to the Chief Prosecutor of the Republic letter n° CRDH/323/07 requesting him to do everything possible so that the case file mentioned above could be transmitted to court since it was evident that it had stayed within the Prosecution Service too long a time.

As mentioned above, the Commission wrote twice to the prosecution service, but until the time of preparing this report nothing had been done.

The Commission requests the authorities having such issues in their responsibilities to do everything possible so that justice could be done to MUGWANEZA Drocella.

⁸ The Commission's Annual Report for the year 2006, p. 115

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

During the year 2007, the National Commission for Human Rights followed up again cases of killings, ill-treatment and persecution done against genocide survivors and those willing to tell the truth on what happened during the genocide.

1. The murder of MUKAMARORA Costasie

Following information broadcasted on Rwanda Radio on 16th October 2007 regarding the killings done several days earlier against the survivors of the April 1994 genocide and witnesses in Gacaca courts, in the Districts of Huye and Gisagara, in the Southern Province, on 18th October 2007, the Commission, on its own initiative, followed up the case of the murder of MUKAMARORA Costasie who was a resident of Mbogo Cell, Gikonko Sector, Gisagara District and was killed in October 2007.

In its investigation, the Commission met different authorities including that of Huye Public Prosecution Service at the Higher Instance, that of the Police, local authorities and different inhabitants. They all declared to the Commission that the “bahutu” family in which MUKAMARORA Costasie had been married was suspicious of her, because she was often in the company of genocide survivors who were giving witness against many people in Gacaca courts. Even her sister-in-law hated her because her son, HARINDINTWARI Damien who was witnessing against them had told one of these aunts of his, by the name of NYIRAMANA Jacqueline that it was his mother who was pushing him to witness against them. NYIRAMANA Jacqueline asked him to reverse and give witness in their favour and HARINDINTWARI Damien replied telling her that he would do so “with all his energy”.

His mother, MUKAMARORA Costasie was later killed at night in October 2007 and evidence indicated that she was killed by her own son, HARINDINTWARI Damien.

HARINDINTWARI Damien, NYIRAMANA Jacqueline, RUHASHYA Jean Damascène and RUGAMBWA Jean Baptiste were the ones to be followed up by the Supreme Court of the Republic, Nyanza Chamber, in connection with the crime of MUKAMARORA Costasie’s murder, in the case file n° R.P 0494/07/HCR/NYANZA, decided on, on 22nd November 2007. HARINDINTWARI Damien was found guilty of the crime and was sentenced to life imprisonment, whereas his co-accused were acquitted by the court.

Although the case file concerning MUKAMARORA Costasie’s murder was speeded up, presented to court until the culprit was punished, the Commission finds that there has been negligence on the part of the local authorities which did not take proper measures to ensure MUKAMARORA Costasie’s security, as it was already known that she was being hunted to get rid of her.

The Commission once again requests the authorities concerned to further ensure the security of the Genocide survivors and witnesses in Gacaca courts, by encouraging especially the population to make this duty their own.

2. The murder of RUTAYISIRE Paul.

RUTAYISIRE Paul used to live in Buhembe Cell, Karama Sector, Huye District in the Southern Province. He was Chairman of the Gacaca Court of Kaburemera Sector and at the same time Vice-Chairman of ARG-Impuhwe, an association of Genocide survivors at the level of Karama Sector.

Based on the information announced on Rwanda Radio on 16th October 2007 regarding the murder of RUTAYISIRE Paul, on 19th and 20th October 2007, the Commission, on its own initiative, followed up this case.

In its investigation conducted by the Commission, it met different people including the inhabitants, the “persons of integrity” in Gacaca courts, some people among local authorities, the Huye Prosecution Service at Higher Instance and some security agents.

RUTAYISIRE Paul was killed in the night of 15th October 2007, at a half past nine. He was killed about a hundred meters away from a bar close to his residence. He was killed by cutting his neck and cutting his head into small pieces using an axe. What was established in the Commission’s investigation is that he might have been killed by people who considered him as an obstacle against them in Gacaca courts because of the evidences they wanted to conceal and yet he was doing everything possible to reveal these evidences, for example in connection with the case of some one by the name of NYIRAKIROMBA Godelive which he had requested to be revised. The proceedings on this case were scheduled on 17th October 2007. At the time of preparing this report, the Commission learnt that the proceedings on this case finally took place on 16th January 2008, conducted by the Court of Appeal of Kaburemera Sector, and NYIRAKIROMBA Godelive was sentenced to a nineteen years imprisonment.

At the time of preparing this report, the Commission learnt also that the High Court of the Republic, Nyanza Chamber, held proceedings on the case n° R.P. 0526/07/HC/Nyanza of NYIRAKIROMBA Godelive and her eight colleagues in connection with the crime of murder. Four people including NYIRAKIROMBA Godelive were sentenced to life imprisonment and payment of a compensation equivalent to the sum of thirty eight million five hundred thousand francs (38,500,000 RWF). Five of them were acquitted.

Although the culprits have been punished, it is evident that the genocide survivors and witnesses in Gacaca courts are still subjected to persecution and killings.

The Commission once more requests concerned authorities to establish solid strategies to ensure the security of the genocide survivors and witnesses in the Gacaca courts.

D. The problem of children being raped

During the year 2007, the National Commission for Human Rights, on its own initiative or following complaints brought to it, followed up cases of children being raped and made pregnant and yet the leadership just neglects the cases.

The children raped and made pregnant whose cases were followed up by the Commission during the year 2007 are the following:

- NYIRANSABIMANA Consolée of Sure Cell, Mushubati Sector, Rutsiro District in the Western Province.
- ABIZEYIMANA Marie Alice of Gitega Cell, Mukindo Sector, Gisagara District in the Southern Province.
- MUTUYIMANA Françoise of Kami Village, Rurangazi Cell, Nyagisozi Sector, Nyanza District in the Southern Province.
- NYIRANSABIMANA Fabiola of Manihira Sector, Rutsiro District in the Western Province.
- NZAMUKOSHA Josée of Kidaho Cell, Nyamiyaga Sector, Kamonyi District in the Southern Province.

What was clear to the Commission is that these children who were made pregnant were aged between fourteen and seventeen and yet the local leadership concealed these cases and the Police was not in a hurry to follow them up.

The Commission finds that the problem of raping children has reached a serious stage and yet no proper measures have been taken to solve it.

What was clear to the Commission is that the parents keep these cases secret such that they become known rather late and others try to settle the matter between themselves and those who have made their children pregnant. Another thing is that investigations are slow and are conducted rather late.

The Commission finds that the leadership should be following up such cases and that there should be used a DNA-testing technology because this is a serious violation of human rights.

Regarding DNA testing, the Commission thinks that there should be a budget line within the Ministry of Health in the context of preventing this violation so that the culprits could be prosecuted and punished and that the children born could have the right to know their fathers.

E. Delayed cases and those for which court decisions are not implemented

- **Delayed cases**

- 1. The case of former employees of the Kigali Institute of Education**

On 4th June 2007, twenty one former employees of the Kigali Institute of Education (KIE), represented by NSENGUMUREMYI François, wrote to the Commission requesting for justice to be done to them regarding the case n° R.Ad 0044/07/HC/KGL between them and KIE. They were requesting to be given a near by date to appear before the court because the case had so far been postponed many times.

In their complaint, they claim that they were sacked by their employer KIE in the year 2002. At that time, they accused KIE to have sacked them with neither warning nor terminal benefits, nor a certificate from their latest employer.

They reported their complaint to the former Kigali Court of First Instance but the case was postponed several times.

On 14th June 2007, one named UWIMANA Odette informed the Commission that the plaintiffs were former cleaners at KIE. They were recruited in the year 1999 on contract, for a non-fixed period. They were terminated in the year 2002 with the introduction of the system of employing private associations for cleaning activities.

She said that the complaint was reported in the year 2003 to the Kigali Court of First Instance and that the case was postponed many times because KIE's lawyer was giving different excuses.

She also informed the Commission that the plaintiffs live far away from Kigali such that keeping on coming from the provinces only to see the case postponed is difficult for them as they have no means.

On 2nd July 2007, the Commission went to the Kigali High Court of the Republic. It examined the file and found that the case which was first presented to court in the year 2003 when it was still in the hands of the Kigali Court of First Instance had been postponed six times and now was added another time when it had just been postponed at the High Court of the Republic.

For these reasons, on 17th August 2007, the Commission wrote to the President of the High Court of the Republic letter n° CRDH/412/07 requesting him to do everything possible so that this case could be scheduled for court proceedings without delay because it has been within the courts for a long time. Furthermore, most of the plaintiffs come from far away from Kigali and have no means to keep on going to and fro.

In his letter n° 0115/PHC/07 of 21st August 2007, the President of the High Court of the Republic assured the Commission that he would do everything possible in accordance with the law to have this case tabled for court proceedings. He also indicated that this case had not been delayed in the court he heads. Later on, the case was scheduled for 15th September 2007 but again it was postponed due to emergencies on the part of the court such that the proceedings could not take place. The case was rescheduled for 23rd October 2007 but was again postponed because KIE's lawyer claimed that he had not received the conclusions of the plaintiffs. The case was again rescheduled for 5th November 2007 but once again it was postponed because four of the plaintiffs had sought the assistance of their own lawyer, and at that time he had not reported to court.

In both the courts which this case has gone through, it has been postponed ten (10) times as follows:

Date	Reason for postponement
26/10/2003	The plaintiff requested time to seek assistance of a lawyer in the case

26/02/2004	The reason is not indicated in the file
09/11/2004	The Judge was not available
07/03/2006	The reason is not indicated in the file
04/08/2006	The reason is not indicated in the file
10/01/2007	The reason is not indicated in the file
04/06/2007	KIE had not transmitted the summons to its lawyer in time to allow him time to prepare the case
15/09/2007	The proceedings did not take place due to emergencies
23/10/2007	KIE's lawyer claimed that he had never been given the conclusions of the plaintiffs
05/11/2007	The lawyer of some of the plaintiffs was not available.

It is evident that this case has stayed in the courts for a long time because of repeated postponement and that KIE together with its lawyer are delaying the case intentionally.

The Commission takes this opportunity to request the High Court of the Republic to do everything possible so that this case could be scheduled for court proceedings without delay.

2. The case of RUZAGIRIZA John

The complaint of RUZAGIRIZA John, a resident of Niboyi Cell, Niboyi Sector, Kicukiro District was reported by himself to the Commission, on 25th October 2006. He wrote requesting the Commission to render him justice in the case n° RSOC0025/06/TGI/GSBO in which he complains against the Company *KK Security* which he used to work for and then was sacked.

In the said case, RUZAGIRIZA John claimed compensation for being sacked against legal procedures, compensation for not being given his terminal benefits, work certificate; payment for extra hours and holidays on which he worked but was not paid for; housing, travel and medical allowances not given to him.

On 23rd November 2006, the Commission went to the Gasabo Court of Higher Instance and found that the case of RUZAGIRIZA John had not been tabled for court proceedings.

What was evident to the Commission is that this case has been postponed many times as follows:

- The file was received on 7th February 2005 (registration date) by the Court of Kigali City at Nyamirambo ;
- The initial date for appearing before the court was scheduled on 25th May 2005 ;
- On 25th May 2005 the proceedings did not take place because the Assessors were taking vow and the case was postponed to 2nd August 2005 ;
- On 2nd August 2005, the proceedings did not take place because both the plaintiff and the accused had not appeared to court, and the case was postponed to 26th October 2005 ;
- On 26th October 2005, the court proceedings were conducted in the absence of *KK Security*, and the court ordered investigation which would be done on 10th November 2005, and the court proceedings would resume on 16th November 2005 ;

- On 16th November 2005, the case was postponed because the judges were attending a seminar and it was scheduled for 15th February 2006 ;
- From 15th February 2006, the case was suspended, and the file was transferred to Masaka following the new structure and functioning of the courts, and it was rescheduled on 4th January 2007 ;
- On 4th January 2007, the court proceedings scheduled to take place at Masaka were postponed because the investigation had not yet been done as the person expected to do it, RUREMESHA Simon, was on holidays, and the case was rescheduled for 7th February 2007 ;
- On 7th February 2007, the case was again postponed because both the plaintiff and the accused had not reported (although even the investigation had not yet been done), and it was rescheduled for 8th March 2007 at Ndera ;
- On 8th March 2007, it was a public holiday and the case was postponed to an unknown date.

On 18th June 2007, the Commission addressed to the President of the Gasabo Court of Higher Instance letter n° CRDH/312/07, with a copy to the President of the Supreme Court requesting him to do everything possible so that this case could be tabled for court proceedings within a short time.

On 19th July 2007, the President of Gasabo Court of Higher Instance wrote a letter to the President of the Supreme Court with a copy to the Chairperson of the National Commission for Human Rights, giving explanation as to the reasons why court proceedings for the case n° RSOC0025/06/TGI/GSBO had been delayed.

He indicated that the case had been delayed because the Head office of the Court changed more than once and the files could not be properly arranged. Furthermore, the investigation ordered by the court during the proceedings of 26th October 2005 had not yet been done until the time of writing the letter, due to insufficient means of the said court.

The Commission had indicated, in its letter quoted above, that the actual reason why the said case had taken long without being tabled for court proceedings was that the court did not conduct the investigation it had ordered. This was confirmed by the fact that when finally the investigation had been done, the court proceedings on the case took place on 10th September 2007, and the court ordered that RUZAGIRIZA John should be given what is provided by the laws as his rights.

The Commission observes that the case file n° RSOC0025/06/TGI/GSBO in which RUZAGIRIZA John complained against the Company *KK Security* could not be tabled for court proceedings due to laziness on the part of the Gasabo Court of Higher Instance and requests that those characterized by such negligence should be held responsible.

3. The case of HATANGIMANA Jean Eric

On 15th June 2007, MUKANTABAKUNZI Consolée, a resident of Kinunga Cell, Remera Sector, Ngoma District, wrote to the Commission, requesting it to do justice to him regarding the case file n° RPGR03001059/S1/07/BG/KC which was in the hands of the Public Prosecution within the Nyarugenge Court of First Instance, whereby the accused is her son, HATANGIMANA Jean Eric, who was in detention in Kigali Prison, so that this case file could be forwarded to court for proceedings to take place without delay.

On 2nd July 2007, MUKANTABAKUNZI Consolée came to the Commission and gave explanation on her complaint. She said that her son was arrested by the Police on 10th April 2007 on allegations that he was using fake documents when he was caught driving holding a fake driving licence. Furthermore, the mother presented to the Commission a certificate delivered by the Sector indicating that HATANGIMANA Jean Eric was only seventeen and he had added more years to his age so as to get a driving licence.

On 18th July 2007, the Commission visited HATANGIMANA Jean Eric at his detention place and found that he admitted his crime. He explained that he had been arrested at Nyarugenge while driving. After about one hundred days in detention, he had not been brought before the Council of Judges and the detention warrant had not been extended.

On 27th August 2007, the Commission went to the Nyarugenge Court of Lower Instance and found that the case file n° RP 0116/07/TB/NYG had not been scheduled for court proceedings.

Later on, the secretariat of the said court fixed 7th September 2007 as the date of court proceedings on this case, date on which they actually took place.

On 17th October 2007, the Commission met HATANGIMANA Jean Eric and he told the Commission that decision on his case had been taken on 21st September 2007, and that he had been sentenced to six months imprisonment which would end on 19th October 2007. However, when the Commission went back to Kigali Prison on the said date, it found that HATANGIMANA Jean Eric was not on the list of those who were to be released because the court had never communicated its decision to the prison.

For this reason, on 23rd October 2007, the Commission went to the secretariat of Nyarugenge Court of Lower Instance and requested that the copy of judgement on the case of HATANGIMANA Jean Eric be transmitted to Kigali Prison authorities without delay because he had already served his term.

The Commission learnt later that HATANGIMANA Jean Eric was released on 25th October 2007 having stayed in prison for six days after he had served his term.

4. The case of MUKANYIRIGIRA Solange

on 21st May 2007, the family of MUKANYIRIGIRA Solange wrote to the National Commission requesting for justice to be done to MUKANYIRIGIRA Solange who had been in Kigali Central Prison since 20th December 2002 and had never appeared before the court.

In the investigations conducted by the Commission, it was learnt that on 11th April 2003, the Prosecution of the Republic transmitted to Kigali Court of First Instance the case file n° RMP 1317/S15/GS/HI which was then registered under n° RP 41258/KIG. After restructuring the judiciary, the case file was transferred to the High Court of the Republic and was entered into the register of complaints under n° RP 0107/06/HC/KIG. MUKANYIRIGIRA Solange is charged with beating and injuring MUKAMUHIZI Dominata, and this happened before the latter was killed by her husband, KUBWIMANA François.

In the case proceedings conducted by the High Court of the Republic on 6th November 2006, and for which the decision was pronounced on 10th January 2007, KUBWIMANA François was found guilty of murder and was sentenced to a fifteen years imprisonment. As for MUKANYIRIGIRA Solange, according to the section “finally decided”, on the last page of the case conclusions, the court decided that her case be transferred to the Gasabo Court of Higher Instance to be handled there, because the crime she was charged with, relating to beatings and injuring was not within the competence of the High Court of the Republic at the first resort and furthermore, it became clear that MUKANYIRIGIRA Solange had played no part in her brother’s crime, as thought before.

The Commission also learnt that on 7th February 2007, NDORIMANA Potin, the brother of the deceased, MUKAMUHIZI Dominata appealed to the Supreme Court. On 13th February 2007, the said court wrote to the High Court of the Republic requesting that the case file n° RP 0107/06/HC/KG could be transferred to it. When the file arrived, it was examined, and the Supreme Court found that NDORIMANA Potin’s appeal could not be admitted. At that time, the file remained within the said Court.

On 20th August 2007, the Commission wrote to the Supreme Court letter n° CRDH/419/07 requesting that, as decided by the High Court of the Republic, the case file n° RP 0107/06/HC/KIG should be sent to the Gasabo Court of Higher Instance with immediate effect, so that MUKANYIRIGIRA Solange who had been in detention for almost five years could appear before the court.

The Commission learnt that on 19th September 2007, the Supreme Court forwarded to the Gasabo Court of Higher Instance the case file n° RP 0107/06/HC/KIG which was registered under n° RP 0587/07/TGI. In the court proceedings that took place on 6th November 2007 and was pronounced in public on 22nd November 2007, MUKANYIRIGIRA Solange was found guilty of causing injury but her punishment was reduced because she admitted the crime and even begged pardon; the court sentenced her to a two years imprisonment.

Although MUKANYIRIGIRA Solange was released on 6th December 2007, the Commission finds that she had been denied the right to appear before the court within reasonable time as the proceedings on her case took place after she had spent about five years in detention, thus staying in prison for a much longer time than her sentence.

The Commission finds also that those involved in this negligence that denied a citizen her fundamental right should be held responsible.

5. The case of BUTERA Gérard and his friends

On 22nd March 2006, KABANDA Michel wrote to the Commission requesting it to render justice to BUTERA Gérard who was in detention in Kigali Central Prison since 22nd July 2003 and had stayed for a long time without appearing before the court.

On 1st March 2007, the Commission met BUTERA Gérard in Kigali Central Prison. He declared that he had not yet been brought before the court, and that instead he had learnt that the case file n° RP 0549/06/TG/GSB in which he is charged with “the crime of beating and injuring leading to death” was in the hands of the Gasabo Court of Higher Instance.

On 6th March 2007, the Commission went to the Gasabo Court of Higher Instance to get information regarding the said file. The Commission found that the file actually involved six people, namely MITARI Prosper, NTAWUKIZAMWABO Cyrille, TWAGIRAMUNGU Emmanuel, BUTERA Gérard, SIBIKINO Jean Claude and MURASIRA Théogène and all of them were charged with the crime of “beating and injuring leading to death”. The Commission also found that the Office of the Prosecutor General of the Republic had forwarded the file to the Prosecution at the Higher Instance of Gasabo, on 20th July 2006, and that this latter prosecution had transmitted it to the Gasabo Court of Higher Instance on 18th September 2006.

The Commission learnt further that on 8th November 2006, the case was postponed because the room for proceedings was not available and the case was rescheduled for 22nd March 2007; on that date the case was again postponed. The proceedings on the case finally took place on 30th May 2007 and the conclusions were made public on 2nd July 2007. The delay in making the conclusions public could have been due to the fact that the Judge who had handled the case had been away attending a seminar. BUTERA Gérard and his friends were sentenced to a two year imprisonment whereas they had already stayed in detention for four years. It was on 30th July that they got released.

The Commission finds that the prosecution took long to transmit to the court the case file n° RP 0549/06/TG/ GASABO thus denying BUTERA Gérard and his friends their right to court proceedings within reasonable time.

The Commission finds also that the Gasabo Court of Higher Instance took long to transmit to the court secretariat copy of judgement thus causing BUTERA Gérard and his friends to stay in detention for almost a whole month and yet they had already served their term of punishment, without forgetting that their sentence was a two year imprisonment and yet they had already been in detention for four years.

6. The case of NZABAHAGAMA Pierre Célestin and HABIMANA Boniface

The complaint of NZABAHAGAMA Pierre Célestin and HABIMANA Boniface who are in detention in Ruhengeri Prison, reached the Commission towards the end of the year 2006. They were requesting the Commission to help them get justice done to them such that they could be brought before the court without delay. Their case file n° 35368/S5/H.A is in the hands of the Prosecution at the Higher Instance of Musanze District and they were requesting that the file be forwarded to the Court for proceedings to take place. They said that they are charged with the crime of plotting an attempt to murder and that they had been put in detention following the decision of a Judge taken on 16th February 2004 but since then, until the time of writing to the Commission they had not been brought before the court.

On 14th March 2007, the Commission met the Prosecutor with jurisdiction on the whole territory of the country within the High Court of the Republic, Musanze Chamber, KALIMWABO, and informed him of the case of NZABAHAGAMA Pierre Célestin and HABIMANA Boniface regarding their delay in appearing before the court. He told the Commission that they had had a problem with many case files sent from different courts after the restructuring of the judiciary, such that it was not easy to know straight away where their file could be found. He however promised the Commission that as soon as they find it they would immediately forward it to the court with competence to handle it.

The case file of NZABAHAGAMA Pierre Célestin and HABIMANA Boniface was forwarded to court and the proceedings were scheduled on 20th June 2007. The Commission passed this information on to NZABAHAGAMA Pierre Célestin and HABIMANA Boniface. However, the proceedings did not take place on the said date because the case was postponed to 3rd July 2008.

The Commission finds that the fact that NZABAHAGAMA Pierre Célestin and HABIMANA Boniface have been in detention for almost four years without appearing before the court amounts to denial of their right to court proceedings within reasonable time and thus the Commission requests that those involved in such acts should be held responsible.

- **Cases for which court decisions are not implemented**

- 1. The case of KATANGA WA KATANGA Dominique**

On 6th July 2007, KATANGA WA KATANGA Dominique wrote a letter to the Commission requesting for justice to be done to him so that the court decision regarding case n° R.P.A. 135/R1/RUH of 24th March 2000 resulting from case n° R.P. 93/R1/99, which he won against MUNGUNDA MUKOSHIKI Eméritha could be implemented.

As indicated in the copy of judgement on the cases mentioned above, KATANGA WA KATANGA appeared in court and was the winner, but since the year 2001 he has been given what was declared as his dues. KATANGA WA KATANGA Dominique's rights have been denied to him because the Court Bailiff's report of 11th June 2003, bearing n° 21217/06.05/RUH and submitted to the Minister of Justice, indicates that implementation of the court decision kept on being ignored by the Head of National Police in the former Gisenyi Region, MUHETO Francis.

The Commission followed up this case and met the Court Bailiff by the name of RUCYAHANA Manasseh who had started implementing the said court decision by means of an auction sale.

The said Court Bailiff declared to the Commission that while competition among buyers had started, the then head of police in the former Gisenyi Region intervened and cancelled the auction sale.

What was clear to the Commission is that the said policeman cancelled the auction sale without the authority to do so. Normally, the decision to cancel an auction sale is the prerogative of a court of law.

The Commission finds that KATANGA WA KATANGA Dominique was denied his right to the implementation of the court decision regarding a case he won in accordance with the law and yet the person who decided to cancel the auction sale gave no reason to do so.

The Commission requests all authorities having in their responsibilities that of implementing court decisions, to implement the said decision without any further conditions because once a decision taken on a case, it has become law.

2. The complaint of MUKARUSINE Spéciose

MUKARUSINE Spéciose, a resident of Kitazigurwa Village, Ngiryi Cell, Gasaka Sector, Nyamagabe District in the Southern Province, wrote to the Commission presenting it with two cases she had against her parent, SEHENE.

One of the two complaints concerns case n° RC 7989/19 which opposed her to SEHENE and which was decided on by the Nyamagabe Court of First Instance on 1st October 1986. MUKARUSINE Spéciose won the case but the court decision was not implemented.

On the other case she had again against her parent bears the n° RC 0025/05/TD/GIRO, and was decided on on 22nd June 2005. As indicated in the copies of judgement, SEHENE lost the case but the law provisions in this regard were not adhered to.

The Commission did investigations and met different authorities. It met the District authorities, the Executive Secretary of the Cell, met also SEHENE and MUKARUSINE Spéciose.

On 24th July 2007, the Commission met the Executive Secretary of Nyamagabe District who told the Commission that follow up of these cases had started and that even both MUKARUSINE Spéciose and her parent, SEHENE, had been informed that on 20th August 2007 the court decision would be implemented.

On 18th August 2007 and 3rd September 2007, the Commission went again to Nyamagabe District and met the Executive Secretary of the District, who again assured the Commission that the issue was going to be settled within a few days.

On 1st November 2007, the Commission went again to Nyamagabe District and found that implementation of the court decision had been effected but no written report had been made on the matter. MUKARUSINE Spéciose actually says that she was not satisfied with the manner in which the implementation of the court decision was conducted because the decisions made on the occasion have not been respected.

The Commission will continue follow up on this issue.

3. The case of MUKAMASABO Nathalie

The case of MUKAMASABO Nathalie of Ntenyo Cell, Byimana Sector, Ruhango District, in the Southern Province, was dealt with in the Commission's Report for the year 2005⁹. MUKAMASABO Nathalie was requesting for justice to be done to her so that she could be given the three cows she won for in the case n° RC 2170/05/1999 opposing her against KARUGANDA Jean, and which was decided on by the Gitarama Court of First Instance on 11th January 2002.

⁹ The Commission's Report for the year 2005, p. 48.

In its annual report for the year 2005, the Commission indicated that it had found that the former Coordinator of Ntenyo Sector, MUSONERA Phocas had been unwilling to settle this issue, and that it had requested the leadership of the said sector to find out the whereabouts of MUKANDOLI Laurence, the wife of KARUGANDA Jean so that implementation of the court decision on the said case could be effected.

In the said report also, the Head of the former Ntenyo District informed the Commission that on 24th August 2005, he had written to the said Executive Secretary the letter n° 709/07.13/07 asking him to have the matter settled without any further conditions or else he would be held responsible in accordance with the law. This was not done, because the leadership of Ntenyo Sector continued neglecting the case of MUKAMASABO Nathalie, such that she again wrote to the Commission requesting it to continue helping her to get what was declared by the court as her dues.

On 17th April 2007, the Commission met MUKAMASABO Nathalie and she told the Commission that implementation of the decision on her case had not yet been effected.

The Commission requested the Executive Secretary of Ntenyo District, MUHOZA René to have this court decision implemented and he assured the Commission that he was going to do so.

On 22nd August 2007, the Commission went back to seek information on the development of this matter and found that nothing had been done on it.

The Commission discussed the issue with the Officer in charge of social affairs in Byimana Sector and requested him to do everything possible so that the matter could be settled.

At the time the Commission was preparing this report, the Commission went to Byimana Sector and discussed with the Sector's Executive Secretary requesting him to have this issue settled because it has been pending for too long.

The Commission finds that the case of MUKAMASABO Nathalie has been continuously been neglected by the authorities supposed to settle it, and this in disregard of the fact that a case on which court final decision has been taken becomes law. The Commission requests the leadership of Ruhango District to settle this matter without delay, so that justice is done to MUKAMASABO Nathalie.

4. The case of NIBAKAREKE Vincent

On 4th June 2007, NIBAKAREKE Vincent who lives in Giko Cell, Kayumbu Sector, Kamonyi District, in the Southern Province, wrote to the Commission requesting that it could help him to get a sum of one hundred seventy six thousand (176,000 RWF) which he won for in a case he had against one named MWEMEZI and which was decided on by the Mediation Committee, on 28th January 2007.

On 4th October 2007, the Commission went to the Giko Cell Office and the Executive Secretary told the Commission that the loser of the case had refused to pay the money saying that the tin he is said to have sold was taken away from him by the police, thus he argued that NIBAKAREKE Vincent had to wait until he had taken the police to court, then he would pay him his money. The said Executive

Secretary informed the Commission that the case has been forwarded to the authorities at the sector level and they were waiting for a decision to be taken.

The Commission went to Kayumbu Sector, met the Executive Secretary. The Commission asked him whether he was informed of the said case and he replied that the case had reached him only a few days earlier, and that he was going to settle it then he would inform the Commission within a short time.

On 31st November 2007, the Officer in charge of civil status told the Commission that they went to settle the matter on 24th October 2007, but they could not find all the concerned. The implementation of the court decision on this case was postponed to 7th November 2007.

On 22nd November 2007, the Commission found that on the date scheduled the implementation did not take place because the person who was to pay the money did not appear.

The Commission finds that the leadership of the sector neglected this because they did not use the competence invested in them by the law to settle it, as in implementing a court decision even Government force could be used.

5. The case of KARANGANWA Emmanuel

The case of KARANGANWA Emmanuel was dealt with in detail in the Commission's Annual Report for the year 2001¹⁰ where the Commission was recalling that his case n° R.C. 1396/2/98 against NTAGANIRA Wellars who was Mayor of Ntongwe District had been postponed seventeen times and this, due to the fact that the Mayor of the former Ntongwe District was not responding to court summons.

In its annual report for the year 2002¹¹, the Commission recalled this case again, requesting the Gitarama Court of First Instance to speed up the said case so that the truth could be established, and that the justice be done to the one subjected to injustice. By the end of the year 2003¹², this case had not yet been tabled for court proceedings, reason why the Commission requested the Supreme Court to follow up the case so as to have it solved because it was clear that proceedings on it had been delayed for too long.

Proceedings on KARANGANWA Emmanuel's case were held by the former Court of Gitarama, on 6th April 2005 and the Ntongwe District lost the case and was ordered to pay a compensation equivalent to one million and seventy three thousand francs (1,073,000 RWF).

In its annual report for the year 2005¹³, the Commission had requested the Ministry in charge of Local Government to remind the former Ntongwe District to pay to KARANGANWA Emmanuel the sum of money declared by the court as his due compensation, without any further conditions. The Commission was indicating that KARANGANWA Emmanuel had been subjected to injustice by the authorities involved in the implementation of court decisions, and ended by requesting these authorities to render him justice without delay.

¹⁰ The Commission's Annual Report for the year 2001, p. 31 - 32

¹¹ The Commission's Annual Report for the year 2002, p. 15 - 16

¹² The Commission's Annual Report for the year 2003, p. 16 - 17

¹³ The Commission's Annual Report for the year 2005, p. 43 - 44

The year 2006 ended without anything done towards KARANGANWA Emmanuel's getting the compensation he won for. The Mayor of Ruhango District was telling the Commission the cause for not paying KARANGANWA Emmanuel was that they had many people who were supposed to be paid. At that time, he said he was going to establish a list of those to be paid, including KARANGANWA Emmanuel and that they would start with those cases considered as urgent. The Commission requested him that KARANGANWA Emmanuel be paid alongside with those considered as urgent because his case has been pending for a long time.

On 18th April 2007, the Commission met again the Mayor of Ruhango District, and he told the Commission that they still had not been able to pay KARANGANWA Emmanuel.

On 24th August 2007, the Commission was informed by the Executive Secretary of the District, BURAGATARE Wellars, that towards the end of May they had paid to KARANGANWA Emmanuel part of the money they owed him, a sum equivalent to five hundred thousand francs (500,000 RWF). He said the delay in paying him was due to the fact that those to be paid included people who had to be paid salary arrears for former workers of the Districts that had been combined to form the Ruhango District and that in making payments these were to be given priority. The Commission requested that they should do everything possible and give him even the remaining part of the money, without delay.

On 31st November 2007, MUKAYIRERE Gatarina, Vice Mayor in charge of Economic Affairs in Ruhango District, told the Commission that the case of KARANGANWA Emmanuel would be given due consideration and that he would be paid the remaining part at the beginning of the year 2008.

The Commission observes that KARANGANWA Emmanuel has continuously suffered injustice from those supposed to do him justice, and requests once again the Mayor of Ruhango District to pay him without any further conditions.

6. The case of MUKASHEMA Gatarina

On 1st November 2006, MUKASHEMA Gatarina, a resident of Nyanza Village, Muhima Sector, Nyarugenge District in Kigali City, wrote to the Commission seeking assistance in connection with implementation of the court decision on her case n° RC 13533/32 decided on by the Gitarama Court of First Instance on 19th May 1999.

On 10th May 2007, the Commission went to Mwendo Sector and met the Officer in charge of civil status and when they discussed this case, he requested that a copy of judgement could be forwarded to them.

On 22nd August 2007, the Executive Secretary of Mwendo Sector told the Commission that he was going to meet the Executive Secretary of Mutara District and they would fix together the date of implementing the court decision on this case.

On 3rd October 2007, the Commission met the Executive Secretary of the Sector and he assured the Commission that he was going to have the court decision implemented.

On 31st October 2007, the Commission learnt that the case had been submitted to the Solicitor of the District, RUGAZURA Jonas, who explained to the Commission that the reason why the Executive Secretary of the Sector had not settle the case was that he was then in an acting position. He agreed he would have it settled.

At the time of preparing this report, this case had not been settled and yet the court decision had been taken as early as the year 1999.

The Commission requests all authorities concerned by implementation of court decisions, to implement final decisions taken by courts without any other conditions because a case on which a final court decision has been made has become a law.

7. The case of a piece of land of MUKAGATARE Florida's family

The complaint of MUKAGATARE Florida, a resident of Rugando Cell, Kimihurura Sector, Gasabo District in Kigali City; was dealt with in detail in the Commission's report for the year 2005¹⁴ and that for the year 2006¹⁵. In both these reports, the Commission presented the injustice done to the family of RUSABYAMBUGA Martin who was killed during the 1994 genocide. The said family, represented by MUKAGATARE Florida, suffered injustice by not paying them compensation for the property on the said piece of land, comprising coffee plantation, beans plantation, animal grazing grass, fruit trees, a fence made of barbed wire and iron bars strengthened with concrete.

By the end of the year 2005, the leadership of the former Kabuga Township had accepted to make evaluation of these possessions with the intention of paying compensation, but due to the restructuring of districts in the country, this was not done. For this reason, on 25th April 2006, the Commission wrote to the Mayor of Kicukiro District which today includes part of the former Kabuga Township, letter n° CRDH/0850/06, presenting to him the nature of the case and requesting him to have it settled.

As the Commission never received any response to the said letter and since the matter had not been settled, on 21st November 2007, the Commission went to see the Mayor of Kicukiro District and presented to him the nature of the case and at the same time requesting him to examine it. The said leader told the Commission that he was going to do everything possible to have the case examined and eventually resolved once for all.

At the time of preparing this report, this case had not been solved by the concerned authorities.

The Commission reminds the authorities concerned by the action of shifting people for public interest to respect the laws, bearing in mind that the citizen should be moved away after being given compensation equivalent to the value of the destroyed property, in accordance with the provisions of Article 29 of the Constitution of the Republic of Rwanda of 4th June 2003.

¹⁴ The Commission's Annual Report for the year 2005, p. 52 - 53

¹⁵ The Commission's Annual Report for the year 2006, p. 92 - 93

8. The complaint of Father NSHOGOZA François-Xavier

On 8th June 2007, Father NSHOGOZA François-Xavier, who lives in Italy, Ospedale Clinicizzato di Chicti, Via dei Vestini, 19, 66100 Chieti, wrote to the Commission requesting it to have justice done to him, because his plot which is in Gacuriro, Kinyinya Sector, Gasabo District in Kigali City was given to the Social Security Fund of Rwanda without any compensation paid to him.

In the investigations conducted by the Commission, it was established that the said plot is forty six meters long and thirty four meters wide and that Father NSHOGOZA François-Xavier bought it for six hundred thousand francs (600,000 RWF) from NYIRAMATAMA Verediyana on 12th September 2006. At that time, the Head of Kirira Village, the agent in charge of security in Gacuriro Cell and the Executive Secretary of the said Cell were among the signatories witnessing this transaction; which means that the said leadership confirms that the plot belongs to him and that he had purchased it before this area was given to the Social Security Fund of Rwanda. On 20th September 2006, Father NSHOGOZA François-Xavier paid at the office of Kinyinya Sector a sum of thirty six thousand francs (36,000 RWF) equivalent to 6% of the cost of the plot. On 25th September 2006, he was given a purchasing order n° 64 by the Kinyinya Sector authorities.

As a step towards obtaining other required documents, on 4th January 2007, Father NSHOGOZA François-Xavier wrote to Gasabo District requesting to have beacons planted around his plot. On 3rd May 2007, he wrote to Gasabo District requesting to be given a building permit. Both letters never got a reply.

Since Father NSHOGOZA François-Xavier had bought a plot with the intention of building and since he says he has the ability to do so and that he is even prepared to respect the settlement programme in Kigali City, on 20th June 2007, the Commission wrote to the Mayor of Gasabo District letter n° CRDH/420/07 requesting that Father NSHOGOZA François-Xavier be given in exchange, another plot having the same size and same value as the one he had bought in a manner officially known to the authorities.

At the time of preparing this report, no reply to the said letter has ever been received by the Commission.

The Commission requests once again the Mayor of Gasabo District to give to this citizen compensation for this plot without any further conditions.

9. The case of NTAKIRUTIMANA André

On 28th June 2007, NTAKIRUTIMANA André wrote a letter to the Commission requesting for justice to be done to him because he was allegedly discriminated against by the administration of Rambura Boys Secondary School, in Nyabihu District, where he was a student in the Section of Mathematics and Physics. He claims that the administration did not include him on the list of students supposed to sit for the National Examinations ending secondary education for the year 2007. He continues indicating his worries about the attitude of the administration regarding his problem because he sought their help but they did not do justice to him, reason why he requested the Commission to make a follow-up on his case.

In attempt to establish the truth regarding the nature of this case, on 18th and 19th July 2007, the Commission carried out investigations by meeting different people, and found out that NTAKIRUTIMANA André was actually denied his right to education.

In the investigations conducted by the Commission, it was found that the allegations of the administration of Rambura Boys Secondary School that NTAKIRUTIMANA André has never been a recognised student at the school and that he had never paid any school fees, were not founded.

The Commission also learnt that he had given the money for school fees to the Officer in charge of students (Préfet des Etudes) to keep it for him for some time. When the time came for paying the school fees, he asked the Officer in charge of studies to give him the money but the officer explained to him that he had kept it on his account with the Rwanda People's Bank and that he would give it to him later.

NTAKIRUTIMANA André was actually a student like the others; he was on the list of those supposed to sit for the National Examination. The fact established is that he has been replaced with a child known by the name of HIRWA René at the position n° 51, and this latter child had not been a regular student at this school. Another thing found out is that for all the time NTAKIRUTIMANA André was away from school, he had gone looking for the documents required of him by the school and for this he had a written permission signed by the Supervisor ("Surveillant"), TWAGIRIHIRWE Joseph.

After putting together all information from its investigations, on 21st August 2007, the Commission sent to the State Minister in charge of Primary and Secondary Education, in the Ministry of Education letter n° 423/07 of 20th August 2007 presenting to him all documents indicating the nature of the case of NTAKIRUTIMANA André so that his right to education could be rendered to him.

The Commission finds that the Officer in charge of education affairs in Nyabihu District neglected the case of NTAKIRUTIMANA André when he sought his assistance in vain.

At the time of preparing this report, the case of NTAKIRUTIMANA André was still unsolved.

The Commission requests the Ministry having Education in its attributions to do justice to NTAKIRUTIMANA André, so that he could be rendered the right to education denied to him and that those who denied him his right could be punished for it.

- **Non-implementation of court decisions because losers in the cases have no property**

- 1. The case of KARANGWA Valéry**

On 30th May 2006, KARANGWA Valéry, a resident of Matyazo Cell, Mushishiro Sector, Muhanga District, in the Southern Province, wrote to the Commission requesting it to help him get the sum of three hundred thousand francs (300,000 RWF) he won for in the case n° RC 4466/15/2003 against his elder brother, SEBUHORO Marcel, decided on by the Gitarama Court of First Instance on 19th September 2003, and SEBUHORO Marcel has refused to pay him saying that he had no property.

On 5th September 2006, the Commission met KARANGWA Valéry and told the Commission that in October 2004, he requested the leadership of the former Gitarama Province to help him follow up his case but this was not done.

On 8th November 2006, the Commission met again KARANGWA Valéry, and he said that SEBUHORO Marcel is unwilling to pay him and yet he has property. On that day, the Commission went to SEBUHORO Marcel's residence area, talked to his neighbours and found that the piece of land referred to by his brother was very small and it is said that SEBUHORO Marcel shared the piece of land with their five sisters, and the cattle he kept belonged to some other people.

The Commission met MUKAGASANA Janvière, the Coordinator of Matyazo District and she said that the Sector authorities had asked her to have the court decision implemented but that when they reached the place they found that SEBUHORO Marcel had no property.

The Commission finds that KARANGWA Valéry has been denied his right to have the court decision on his case implemented, and it requests the Ministry of Local Government to examine the problem regarding people who lose cases and yet have no compensation to pay so that the winner of the case could have his rights rendered to him.

2. The complaint of MUKANYANDWI Thacienne

On 4th September 2007, MUKANYANDWI Thacienne, a resident of Kigina Village, Gahombo Cell, Kigoma Sector, Nyanza District in the Southern Province, wrote to the Commission requesting it to do him justice regarding injustice done to her by not being given the compensation she won for in the case n° RPA 0458/06/NY against SEKAMANA Alphonse and in the case n° RMP 49486/S8/NJM RP 0147/04/TP/BUT which opposed her to KAYIGUMIRE Innocent.

In her letter, she says that on 10th April 2002, SEKAMANA Alphonse and KAYIGUMIRE Innocent raped her. The Prosecution at the Higher Instance of Huye District registered the complaint with the High Court of the Republic, Nyanza Chamber, which ordered that in the first case, SEKAMANA Alphonse should be punished with a five years imprisonment and to pay to MUKANYANDWI Thacienne a sum of two million francs (2,000,000 RWF) whereas for the second case, decided on on 3rd March 2005, the same Court sentenced KAYIGUMIRE Innocent to a twenty years imprisonment and to pay to MUKANYANDWI Thacienne a sum of nine hundred thousand francs (900,000 RWF) as compensation. Until the Commission started following up this case, MUKANYANDWI Thacienne had not been given her dues as ordered by the court.

In the investigations conducted by the Commission on this case on 30th November 2007, the Commission met MUKANYANDWI Thacienne and found that she had indeed not been given the compensations mentioned above, as ordered by the court. The Commission went to the Office of Kanazi Sector where the properties of the culprits were being held and was shown by the Sector authorities two documents which the Executive Secretary of Kanazi Sector, HABIMANA Jean Pierre, had written for MUKANYANDWI Thacienne in connection with implementation of the court decisions on her cases.

In the letter n° 117/MJ/12/06 of 24th November 2006 which the said Executive Secretary of the Sector wrote to MUKANYANDWI Thacienne, he informed her that it was not easy for her to get the

compensation she won for in the case n° RMP 49486/S8/NJM RP 0147/04/TP/BUT, decided on on 3rd March 2005 because the accused, KAYIGUMIRE Innocent, was in prison and furthermore, he had no property that could yield the compensation amounting to nine hundred thousand francs (900,000 RWF) which she won for; because they had found that KAYIGUMIRE Innocent had only one piece of land measuring one hundred and twenty meters by twenty meters and thus it cannot be sold since he would be remaining with nothing.

Similarly in the letter n° 161/02.04.05 which the Executive Secretary of the Sector wrote to MUKANYANDWI Thacienne on 17th July 2007, he informed her that the compensation she won for in the case n° RPA 0458/06/NY, decided on on 28th February 2007, cannot be obtained because SEKAMANA Alphonse who is supposed to pay it, was found to have a property of a piece of land, the size of only nine hundred and seventy square meters (970 sq m) which cannot yield two million francs (2,000,000 RWF), as a piece of land of this size cannot be sold since the owner would be left with nothing else to earn a living.

The Commission carried out further investigations, reached the places where the said properties were sited and found out that indeed the properties indicated by the authorities of the sector were as such.

According to observations by the Commission, the properties of KAYIGUMIRE Innocent and SEKAMANA Alphonse cannot be confiscated to be sold in auction to enable MUKANYANDWI Thacienne receive the compensation she won for in the courts. This is supported by Article 296 of the Law n° 09/2006 of 2nd March 2006 modifying and complementing the Law n° 18/2004 of 20th June 2004 relating to the civil, commercial, labour and administrative procedure which states “the house of a destitute and half an acre of surrounding farmland necessary for the survival of the seized and his or her family cannot be seized unless it is proven that he or she possesses or is able to acquire another house or farmland without being turned into a pauper and becoming dependent on the community”.

The Commission finds that provision should be made regarding ways and means of paying compensation to those offended in case it has been established that the people supposed to pay the compensation cannot find them due to their wretched state.

The Commission also finds that a permanent solution to such problems should be found so that those people whose rights have been violated could be given compensation.

F. The Right to education

1. The complaint of NIKUZE Emerthe

On 23rd May 2007, NIKUZE Emerthe, a resident of Remera Cell, Nyamabuye Sector, Muhanga District in the Southern Province, wrote to the Commission requesting it to help her and follow up her case regarding the fact that she has completed the General Cycle (Tronc Commun) of Secondary Education in E.S. Ruhango, and has sat for the National Examination but has not known her results because she has never been able to pay school fees, and so she has stayed for a whole year without studying, and yet she holds a poverty certificate.

In its investigation, the Commission went to Ruhango Secondary School, where NIKUZE Emerthe used to be a student, met the Matron (Intendante) of the school and they discussed the matter together.

The Commission found out that part of the school fees was being paid by the “Caritas” Organization and the rest, by the parents of NIKUZE Emerthe. The sum of twenty five thousand francs (25,000 RWF) supposed to be paid by her parents could not be found, and this was the reason why she was not told her results nor given a transcript. The Commission requested to be told NIKUZE Emerthe’s performance in her final examination for the General Cycle of Secondary Education (Tronc Commun) and it found that she had failed.

On the same day, the Commission visited NIKUZE Emerthe’s family, and found that the family was extremely poor. Talking to the Commission, NIKUZE Emerthe said that she had a white person sponsor. In her first and second years she had never had any problem. She started having problems when she came to the third year, after the sponsor had left the country. The Commission learnt that during the year 2006, NIKUZE Emerthe had a document testifying that she was poor, issued annually by the local authorities but she was not selected at sector level.

NIKUZE Emerthe also shares this problem with her brother, MUGABONAKE Adrien who, too, is no longer studying due to lack of school fees; and yet he had reached the fifth year of Secondary Education.

On 1st November 2007, the Commission went to Nyamabuye Sector and talked to the Executive Secretary, DUSHIMIMANA David about NIKUZE Emerthe’s case. The Executive Secretary told the Commission that the Sector sponsors the poorest children, who have been selected starting from the village and cell levels. He said that at Sector level they already had 124 children to sponsor.

The Commission observes that NIKUZE Emerthe and her brother, MUGABONAKE Adrien, have been denied their right to education, and requests those concerned to follow up this case so that these children could be sent back to school.

The Commission also wrote to the Ministry having Social Welfare in its attributions, requesting that NIKUZE Emerthe’s family should be assisted to enable these children to go to school.

G. The right to social welfare

1. The problem of people living in Kibangira Settlement

From 17th May 2005, on its own initiative, the Commission started follow up on the problems of people living in Kibangira settlement, which is found in Bugarama Sector, Rusizi District, in the Western Province. Since the year 2003, in this settlement live 231 families comprising 830 people who came from Bweyeye after their property had been destroyed by a land-slide and later were added 10 families comprising returnees from Congo and Burundi.

These problems are related to settlement, medical care, lack of food and lack of school fees, as presented in detail in the Commission's annual report for the year 2005¹⁶ and its annual report for the year 2006¹⁷.

In its annual report for the year 2005, the Commission requested the leadership of the former Bugarama District and Cyangugu Province, authorities which had already been informed of these problems, to act promptly and render justice to these people because they had stayed three years without shelter, and yet this is one of the fundamental human rights.

As these problems had not been resolved, during the year 2006, the Commission continued following them up, and it reported them to the authorities of the Western Province so that they could get a lasting solution. Although solution to medical care had been found, by the end of the said year the people in this settlement were still facing serious problems regarding social welfare.

In its annual report for the year 2006, the Commission once again pleaded for the rescue of these people, requesting the authorities of Rusizi District and those of the Western Province to take prompt action to render them justice because for four years they had been living like refugees in their own country.

During the year 2007, the Commission continued to follow up the problems of the people in Kibangira settlement. On 27th June 2007, the Commission visited this settlement and found that, with regard to building houses for them, fifteen plots had already been prepared for building and house foundations had already been laid down. Actually, the leadership of Bugarama Sector had told the Commission that before November 2007, about two hundred houses would have been built so that the people living in this settlement could be protected against rain.

On 2nd November 2007, the Commission visited again Kibangira settlement and found that only nineteen houses had so far been built, but even these were not so completed as to be occupied.

In the letter n° CRDH/838/07 of 19th December 2007, addressed to the Minister of Local Government, Community Development and Social Welfare, the Commission once again pleaded for the security of these Rwandan citizens, requesting that prompt action should be taken regarding solution of the accommodation problem, because there is no reason given as to why such a problem lasts for more than four years before it finds a lasting solution. Copies of the said letter were sent to His Excellency the President of the Republic, the Right Honourable Prime Minister, the State Secretary in the Ministry of Local Government, Community Development and Social Affairs, the Governor of the Western Province and the Mayor of Rusizi District.

At the time of preparing this report, the Mayor of Rusizi District wrote to the Minister of Local Government, Community Development and Social Affairs letter n° 0058/0306, indicating that the Rusizi District had determined to deal with the problems of the people in Kibangira such that solution will be found within a short time. The Commission was given copy of the said letter.

¹⁶ Commission's Annual Report for the year 2005, p. 66 - 67.

¹⁷ Commission's Annual Report for the year 2006, p. 111 - 112.

The Commission finds that the leadership of Rusizi District neglected the settlement problem of the people living in Kibangira camp, because it is not comprehensible how such a problem could last for five years without getting a permanent solution.

The Commission reiterates its plead for the security of these people.

H. Complaints regarding the right to employment and the labour code

1. The complaint of RUSHIGAJIKI Cyprien

On 29th April 2007, RUSHIGAJIKI Cyprien who is from Rwintare Village, Kigarama Cell, Kisaro Sector, Rulindo District in the Northern Province, wrote to the Commission, requesting its assistance in following up his case regarding arrears of his salaries amounting the sum of one hundred ninety two thousand francs (192,000 RWF) not paid to him when he was employed by DRB II Project within the Ministry of Agriculture and Livestock Development. RUSHIGAJIKI Cyprien used to be a security guard for the premises of DRB II Project, operating in the former Byumba Province.

RUSHIGAJIKI Cyprien says that he was terminated on 28th May 2004 and that the arrears he claims are for the months of February 2003 through to May 2004. RUSHIGAJIKI Cyprien says also that he reported his case to different authorities including the authorities of the former Byumba Province and even the Workers Syndicate (CESTRAR), but the case remained unsettled. Furthermore, as it is indicated in the documents he presented to the Commission, the former Head of RUSHIGAJIKI Cyprien's working place, NGABONZIZA Prime, issued him with a service certificate indicating that he worked for the Project as a security guard and that there were arrears he had not been paid.

On 16th May 2007, the Commission met RUSHIGAJIKI Cyprien at the office of Gicumbi District, and he explained further to the Commission the nature of his case. He explained that he started working for DRB II Project in August 1999 as security guard, and that he was paid his salary until January 2003 when the Project ended. According to him, his former employer, NGABONZIZA Prime asked him to continue guarding the buildings in which the Project used to work so that they should not be destroyed. It was in the month of May 2004 that RUSHIGAJIKI Cyprien stopped his service of guarding the said buildings when the premises were transformed into a grazing land for cattle. He says that NGABONZIZA Prime who had assigned him this job explained to him that he would be paid by the Ministry of Agriculture and Livestock Development, but this was not done.

On 22nd November 2007, the Commission wrote to the Ministry of Agriculture and Livestock Development letter n° CRDH/765/07, requesting it to follow up the case of RUSHIGAJIKI Cyprien so that he could get his rights.

At the time of preparing this report, the Commission went to the Ministry of Agriculture and Livestock Development and found that nothing had been done about RUSHIGAJIKI Cyprien's case.

The Commission finds that RUSHIGAJIKI Cyprien should be given the money he worked for, because he has a certificate as to the fact that he has worked, issued by his senior officer at his working place. The Commission requests the Ministry of Agriculture and Livestock Development to solve this case, so that RUSHIGAJIKI Cyprien could get his rights rendered to him.

I. The right to health

1. Negligence done to MUNYANSHONGORE

On 22nd February 2007, the Commission learnt about the case of a young man aged twenty three by the name of MUNYANSHONGORE, a resident of Ruhango Cell, Gisozi Sector, Gasabo District, in Kigali City, who was deserted by his family after developing a mental disturbance disease in the year 2003 and he stayed for four years without being taken to hospital.

On 23rd February 2007, the Commission visited him and found that ever since he fell sick, his family had locked him up inside a very small hut in the background. His food was being thrown down to him and he used this very hut as a toilet to ease himself. Furthermore, at the time of the Commission's visit, it found that MUNYANSHONGORE was taking no bath, his body crippling due to neglect and he was completely naked.

His grand-mother who lives with him and his sister who is a neighbour told the Commission that the reason for not taking him to hospital was that they had no means.

On 26th February 2007, the Commission discussed with the management of Ndera Hospital which treats mental diseases and they authorized MUNYANSHONGORE's admission and treatment. On the same day, this case was reported to the leadership of Gasabo District so that they could play a role in ensuring medical care for this patient.

On that day also, while the Commission was preparing to take the patient to Ndera Hospital, the Gasabo District immediately hurried to take him for treatment.

On 27th February 2007, the Security Council in Kigali City requested that those who have been involved in this cruelty done to MUNYANSHONGORE should be prosecuted. Another thing agreed upon is that the expenses on his treatment should be covered by the Gasabo District.

As a follow-up to the welfare of MUNYANSHONGORE, on 27th April 2007, the Commission went to visit him at the hospital where he was a patient. The nurses taking care of him informed the Commission that his health had started improving and that they were planning to transfer him to Gahini Hospital to have his limbs straightened because they had been crippled following the years he had stayed locked up in a small hut. At that time, the nurses told the Commission that another problem the patient had was that of being deserted by his family such that they could not find anyone who could provide detailed information on MUNYANSHONGORE's life history before he fell sick, so as to make a thorough follow-up of his sickness.

For this reason, on 3rd May 2007, the Commission wrote to the Mayor of Gasabo District letter n° CRDH/222/07 informing of this problem and requesting that everything possible should be done so that the patient be visited by his family because this helps the doctors and helps the patient not to feel deserted.

In general, the Commission finds that the leadership of Gasabo District tried to follow up MUNYANSHONGORE's case from the time the Commission reported it to them, and the patient got medical care. The Commission finds however, that the local leaders, including those at village, cell and sector levels neglected MUNYANSHONGORE's case and thus requests that all those who neglected MUNYANSHONGORE, including his own family, should be followed up and be punished in accordance with the laws.

J. Other complaints regarding violation of human rights

The other complaints regarding violation of human rights have been dealt with separately because they are not part of the responsibilities entrusted to the Commission by the law.

1. The case of RWAMUCYO Tharcisse

RWAMUCYO Tharcisse who used to be employee of the Ministry of Education and then was involved in work accident on 23rd March 1999, is a resident of Rega Cell, Bigogwe Sector, Nyabiho District, in the Western Province. On 17th January 2007, RWAMUCYO Tharcisse wrote a letter to the Commission requesting to help him following up his case against the Social Security Fund of Rwanda because it refused to give him what the laws provide as his dues.

On 9th May 2007, the Commission met RWAMUCYO Tharcisse and he showed to the Commission the correspondences exchanged between him and different authorities claiming for justice to be done, but to no avail.

On 23rd May 2007, the Commission carried further investigations on this case and met the Head of the Social Security Fund of Rwanda in Rubavu District. He told the Commission that the reason for not paying to RWAMUCYO Tharcisse what the laws provide as his dues is that the officer in charge of Education in Rubavu District had not paid RWAMUCYO Tharcisse's contributions to the Fund for two quarters that preceded the time he was involved in the accident (the fourth quarter of the year 1997 and the first quarter of the year 1998). The said Head of Social Security Fund of Rwanda assured the Commission that any time the Ministry of Education will have cleared these "declarations" concerning RWAMUCYO Tharcisse, he will immediately have his money paid to him.

On 24th August 2007, the Commission went back to the Social Security Fund of Rwanda in Rubavu District and found that nothing had been done on RWAMUCYO Tharcisse's case but it managed to find a copy of a letter dated 14th December 2004 which the management of Social Security Fund of Rwanda wrote to the Education Officer in Rubavu District, claiming the "déclaration complémentaire" for the fourth quarter of the year 1997 and the first quarter of the year 1998, but the management got no response.

On 23rd November 2007, again the Commission met the Education Officer in Rubavu District and he told the Commission that he was going to ask those responsible for the records section to look for these required "déclarations" so that RWAMUCYO Tharcisse could be given what the laws provide as his dues.

At the time of preparing this report, the Commission met again the Education Officer in Rubavu District, and met also the agent responsible for the records section and they told the Commission that so far, only the declaration for one quarter had been found. What was clear is that even the declaration they say to have found is that for the fourth quarter of the year 1998 whereas what was required were the declarations for the fourth quarter of the year 1997 and the first quarter of the year 1998.

The Commission finds that the Rubavu District neglected the case of RWAMUCYO Tharcisse because they did not pay what the Social Security Fund of Rwanda required so that the rights of the former employee could be respected.

At the time of preparing this report, the case of RWAMUCYO Tharcisse which has been pending for almost ten years, had not been solved as yet.

The Commission requests the Ministry of Education to do everything possible so that justice is done to RWAMUCYO Tharcisse.

The Commission also requests the leadership of Rubavu District to do all they can so as to solve RWAMUCYO Tharcisse's problem, and let justice be done to him.

2. The case of MUJAWIMANA Florence

On 12th July 2007, BAZUBAGIRA Jacqueline, a resident of Nyamabuye Cell, Gatsata Sector, Gasabo District, in Kigali City, requested the Commission to render justice to her daughter aged twenty one, MUJAWIMANA Florence, who was arrested by the Police on 10th July 2007 and the Police took her to Gikondo Centre where vagabonds are kept in custody. BAZUBAGIRA Jacqueline says that her daughter was arrested at ten o' clock in the morning when she had sent her to buy provisions in Nyabugogo market, and at that time she had not taken her identity card with her.

BAZUBAGIRA Jacqueline was saying that she went to visit her daughter but the Police did not allow her to meet her. Furthermore, she said she had been told that her daughter had been seriously beaten after her arrest.

Since BAZUBAGIRA Jacqueline had presented to the Commission the order from the local authorities indicating that they know her and that no misbehaviour of the girl was known to them, on 18th July 2007, the Commission went to Gikondo Centre where vagabonds are kept and met an agent of Kigali City in charge of this Centre and presented him with the case under consideration. He told the Commission that he was going to do investigation to see whether what is said is true. However, he did not allow the Commission to meet MUJAWIMANA Florence.

On 19th July 2007, the Commission went again to the Centre and requested again those in charge of the Centre to carry out a detailed investigation on MUJAWIMANA Florence so as to establish whether she is really a vagabond. The workers in charge of the centre accepted to do investigations on what is said about MUJAWIMANA Florence. At the time, the Commission learnt that MUJAWIMANA Florence was released the following day.

Although MUJAWIMANA Florence was released, the Commission finds that her case should be examined together with the general problem of arresting people considered as vagabonds without preparing any file for them. Although arresting people who cause disruption is in the context of ensuring security in Kigali City, this should not be a reason for anyone to be arrested and thrown into custody without any file prepared for them to establish the charges against them individually and the period they will stay in custody.

The Commission takes this opportunity to request all authorities responsible for following up delinquency issues in Kigali City to be careful in their job so that they might not violate human rights on the basis of solving problems caused by delinquency.

K. Following up the respect for the rights of vulnerable people

• The rights of people with disability

In the context of implementing the responsibility entrusted to the Commission by Law n° 01/2007 of 20th January 2007 relating to the protection of people with disability in general, during the year 2007, the Commission followed up cases regarding the welfare of people with disability living in centres in different parts of the country.

In implementing this responsibility, the Commission visited the following centres:

- The Centre "Association Umurerwa", found in Bugesera District, in the Eastern Province ;
- The Centre "Lillian Foundation", found in Bugesera District, in the Eastern Province ;
- The Centre "Urugo rw'Amahoro", found in Kabarondo, Kayonza District, in the Eastern Province ;
- The Centre "Urugo rw'Amahoro", found in Mukarange, Kayonza District, in the Eastern Province ;
- The Centre "Amour et Miséricorde", found in Janja, Gakenke District, in the Northern Province ;
- The Centre "Komera", found in Mushubati Sector, Rutsiro District, in the Western Province ;
- The Centre "Saint Gabriel", found in Ngoma Sector, Huye District, in the Southern Province ;
- The Centre "ADAR TUBAHOZE", found in Sahera Sector, Huye District, in the Southern Province ;
- The Centre "Home de la Vierge des Pauvres de Gatagara", found in Gatagara Sector, Nyanza District, in the Southern Province ;
- The Centre "Mother of Good Council", found in Gihango Sector, Rutsiro District, in the Western Province.

In all these centres visited, the Commission found the problem of insufficient means.

The Commission also found that there were many other people with disability who did not live in centres and who had special problems.

The Commission requests the authorities having in their responsibilities follow-up of problems of people with disability to rescue these centres, given their meagre resources.

L. Follow-up of respect for human rights in Gacaca Jurisdictions and in Public Interest Works as alternative penalty to imprisonment

a. Follow-up of respect for Human Rights in Gacaca Jurisdiction as regards the Project “Monitoring of Gacaca Jurisdictions”

1. Introduction

Regarding the Project dealing with follow-up of the respect for human rights during and after case proceedings within Gacaca jurisdictions, during the year 2007, the Commission followed up property cases at cell level, sector level and at the level of courts of appeal. The Commission followed up the respect for human rights during the case proceedings of these three categories. These cases were altogether 934. The cases followed up are counted as follows:

- At Cell level: 62 ;
- At Sector level: 605 ;
- At Appeal level: 267.

It is to be recalled that the Gacaca Jurisdictions that functioned during the year 2007 were one thousand nine hundred and ten (1910).

2. Respect for human rights during case proceedings in Gacaca Jurisdictions

The human rights followed up by the Commission are the following:

- The right to non imprisonment contrary to the law ;
- The right for the accused to be informed of the charges against him or her ;
- The right to have one’s integrity respected ;
- The right to fair trial ;
- The right to self expression ;
- The right to be informed of the basis for a court decision ;
- The right to security ;
- The right to have one’s case decided on with in reasonable time.

In general, during the case proceedings in Gacaca jurisdictions, followed up by the Commission, the human rights were respected. However, although in taking decision on most of the cases followed up, respect was given to the Organic Law n° 16/2004 of 19th June 2004 as modified complemented to date, there are areas where certain articles of this law were not respected, thus leading to violation of human rights. The percentages below present the picture of the situation regarding violation of human rights:

- The right to be informed of the basis for a court decision was violated at the rate of 9,6 % in all the cases followed up by the Commission and for which decision was made public ;
- The right to self expression was violated at the rate of 4,7 % in the cases followed up ;
- The right to non imprisonment contrary to the law was violated at the rate of 2,2 % in the cases followed up ;

- The right to fair trial was violated at the rate of 1,2 % in the cases followed up ;
- The right to have one's integrity respected was violated at the rate of 0,8 % in the cases followed up ;
- The right to security was violated at the rate of 0,4 % in the cases followed up ;
- The right to a case decided on within reasonable time was violated at the rate of 0,4 % in the cases followed up.

The right for the accused to be informed of the charges against him/her was respected in all the cases followed up.

3. Other hindrances to justice within Gacaca Jurisdictions

Other things that hindered the right to justice included corruption as indicated in the following examples:

On 14th May 2007, in Jenda Cell, Jenda Sector, Nyabihu District, the President and Vice President of the Gacaca Court of Jenda Sector were caught red handed having been corrupted with four hundred thousand francs (400,000 RWF). They had agreed on this sum with a woman who had a case file in the court they headed. This sum was given to them by DUSABIMANA Jacqueline, a daughter to the person asked to pay it as corruption, having first agreed with the police so that they could catch them red handed. Those who received the money for corruption were caught with it, and were taken to custody.

On 21st June 2007, in Kagasa Cell, Gahanga Sector, Kicukiro District, MVURUMA Ephrem admitted before the Court of Kagasa Sector the crime of having given money as corruption. He gave it to TWIZEYIMANA Jean Damascène whose arms he had broken during the genocide, and he had given him the money to keep him quiet so that he could not give witness against him after what he had done to him. This plot of corruption was discovered. During the case proceedings, TWIZEYIMANA Jean Damascène said he had never been harassed and yet during the phase of collecting information he had explained how he had been harassed. One person who had followed up this issue explained how it all happened, and the amount of money given (2,900 RWF and the remaining 4,100 RWF). The person who had given out the money as corruption and the one who received it finally admitted the act. The issue is now in the hands of the National Police.

b. Follow-up of human rights respect in Public Interest Works as Alternative Penalty to Imprisonment (TIG)

During the year 2007, the Commission visited those doing public interest works as alternative penalty to imprisonment (TIG), working in solidarity camps in the following sectors:

- Nkanka Sector, Rusizi District, on 10th May 2007;
- Gikomero and Rutunga Sectors, Gasabo District, on 8th June 2007 ;
- Mugina Sector, Kamonyi District, on 16th June 2007.

The purpose of the visits was to see the following:

- The welfare of those doing public interest works (feeding, medical care, cleanliness, the jobs they do, sleeping place, toilets, living place) ;
- Security (Conduct and related punishment, protection against accidents) ;
- Freedom (visits, worship, getting information, recreation).

1. Public Interest Works done in the Solidarity Camp of Nkanka Sector, Rusizi District

On 10th May 2007, the Commission visited the solidarity camp of prisoners doing public interest works in Kinyaga Cell, Nkanka Sector, Rusizi District. In this solidarity camp there are 319 prisoners originating from the Districts of Rusizi, Nyamasheke and Karongi.

2. The Solidarity Camp in Gikomero Sector

On 8th June 2007, the Commission visited those doing public interest works. When they were visited by the Commission, those in the solidarity camp had reached the number of about 306 originating from the Districts of Kamonyi, Gasabo and Gicumbi.

The prisoners in this solidarity camp had been placed in different groups, each group having its own leader. The job assigned to them was to make terraces.

3. The solidarity camp in Rutunga Sector

It was on 8th August 2007, that the Commission visited the solidarity camp in Rutunga Sector, and found that the prisoners had started the activity of cutting stones on 25th September 2005.

The management of the public interest works in this solidarity camp comprises the Sector Coordinator, the officer in charge of good conduct and a medical officer. The number of prisoners in this solidarity camp was 310 including 7 women and 28 old men aged above 65. The prisoners in this solidarity camp originate from the Districts of Rwamagana, Kayonza, Gicumbi, Gasabo, Kamonyi, Rulindo, Kacyiru. Two of those in this camp had just escaped from the camp but one was rearrested and the other one fled to Muyinga Province, in Burundi.

4. The Solidarity Camp in Mugina Sector, Kamonyi District

It was on 16th August 2007 that the Commission visited them. They were altogether 1,310, including: 547 who had served their term of punishment, 11 who had fled and were not yet rearrested, 9 who had fled and were later rearrested, 4 who died at their homes, 7 who had been summoned to court but did not return in the camp, 713 who were remaining at the camp, 10 who were away on permission, 6 who had been called to report to Gacaca jurisdictions.

These prisoners are engaged in the activity of cutting stones. On the day the Commission visited this solidarity camp, a total of 6,907 stones had been cut. The number of stones that had been cut since the solidarity camp started was 4,572,711. Out of all these stones cut, 825,634 had been sold and 3,747,137 stones were remaining.

The prisoners in this solidarity camp had been placed into twenty groups, each group comprising between 38 and 42 people. And each group had its own leader and his assistant. These prisoners plan themselves their work because there are some who are experts in identifying stones, some are stone cutters, those who carry the stone blocs to others and those who put soil on the work (the weak ones).

Every Thursday, a list is produced of prisoners who have problems at home and who wish to go home and these are given permission depending on mutual understanding among themselves.

In general, the Commission found that the welfare of those engaged in public interest works in these camps was good; for the following reasons:

- They take two meals a day though the sick get no special diet ;
- They get medical treatment, but in some places the medicines are insufficient, like the solidarity camp in Gikomero Sector ;
- There is sufficient cleanliness in their living places, the bathrooms and toilets ;
- The security is ensured in all the camps, there are "Local defence" agents who help them maintain security ;
- They have freedom because each one of them worships in the denomination of his/her choice; they receive visitors, they engage in recreational activities and if one has a radio set follows the news and the programmes broadcasted without any problem.

After visiting the activities of public interest works in the camp of these Sectors, the Commission held discussions with the prisoners in these solidarity camps and they told the Commission that they were happy with the jobs they were doing for three reasons:

- The general benefit these jobs bring to the nation ;
- Being pardoned, thus re-establishing good relations between them and those they wronged ;
- The fact that they themselves find their punishment reduced.

The Commission was happy with the activities carried out in these solidarity camps. In fact this enables those engaged in public interest works to join with the others in building the nation, helps them to reconcile with those they wronged and to have their punishment reduced.

M. Respect for human rights during elections

On 28th February 2007, the Commission followed up the elections of seven candidates for the positions of women parliamentarians, of whom two were to be elected to replace those called for other duties. These elections were held in the Districts of Gatsibo and Nyagatare, in the Eastern Province, and these were the only elections held during the year 2007. The elections were well conducted for the following reasons:

- The members of the elections council, comprising the Committee of the Women Council at Sector and District level, members of the Steering Committee at District level and a woman representing others at National level were all present.

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- Those responsible for elections activities, namely the commissioners at National level, provincial level, the Chairman of the electoral committee and three assessors at District level were all present.
 - Those responsible for security, comprising Policemen and Soldiers were there.
 - The elections were conducted in full freedom such that no one among those monitoring elections for a particular candidate said that the candidate he was responsible for was denied her rights in these elections.
 - These elections respected the rules and instructions governing elections because the counting of votes was done in transparency in the presence of those responsible for their respective candidates and the observers.

Those who came forward for elections in Nyagatare District totalled 161 out of 178 people expected to vote thus representing 90,4 %. In Gatsibo District, out of 173 women who were to vote, a total of 158 actually voted, representing 91 %.

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3.5. VISITING DETENTION PREMISES AND CHECKING WHETHER THE RIGHTS OF DETAINEES THEREIN ARE SECURED (Article 4 [9°])

The National Commission for Human Rights has the duty to conduct investigations regarding human rights violation as provided for in Article 177, 3° of the Constitution of the Republic of Rwanda of 4th June 2003. The Commission also has the responsibility of visiting detention premises and checking whether the rights of the detainees therein are respected, in accordance with the provisions of Article 4, 9° of the Law n° 30/2007 of 6th July 2007 determining the organization and functioning of the National Commission for Human Rights.

It was in this context that in November 2007, the Commission visited again the prisons it had visited from 8th November 2006 to 9th January 2007 so as to see whether the recommendations it had made had been implemented. The Commission found that the number of those who claim that their rights are violated have reduced gradually such that the Commission is confident that during the year 2008, this problem will come to an end. The problems the Commission had pointed out concerned people who were claiming to have stayed for two years or more without appearing before the court, those imprisoned due to ordinary offences who have served their term of punishment and yet have not been released or again those having an order from Gacaca courts authorizing their release and yet they were not released.

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3.6. COLLABORATION WITH HUMAN RIGHTS COMMISSIONS IN OTHER COUNTRIES, ASSOCIATIONS OPERATING IN THE COUNTRY AND INTERNATIONAL ORGANIZATIONS AS REGARDS ACTIVITIES RELATING TO THE RESPECT AND PROMOTION OF HUMAN RIGHTS (Article 4 [11°])

With a view to exchange ideas on how Human Rights could be further protected and promoted, the National Commission for Human Rights followed up the activities of different meetings organized from time to time and sponsored by different Human Rights Commissions and Organizations. Given the importance of certain conferences, it was necessary that the Commission attends some of them, spending part of the funds allocated to the Commission from the Government Budget.

3.6.1. Collaboration with the African Commission for Human and Peoples' Rights

The Rwanda National Commission for Human Rights has an "affiliate status" in the African Commission for Human and Peoples' Rights and it is member to the said Commission.

It is in this context that the Rwanda National Commission for Human Rights takes part in conferences organized by the African Commission for Human and Peoples' Rights, and submits to the said Commission a report on its activities.

The Rwanda National Commission for Human Rights also gives opinions at these conferences, on the situation of human rights and on how these rights could be further promoted.

3.6.2. Collaboration with other Commissions for Human Rights

- **Collaboration with the International Coordinating Committee of National Commissions for Human Rights**

The Rwanda Commission is one of the members constituting the Bureau of this Committee and it is one of the Commissions within this Committee having the competence of "voting member".

The Rwanda Commission attended, from 22nd to 26th October 2007, at Geneva in Switzerland, the meeting of the accreditation sub-committee (sous-comité d'accréditation), a unit of the International Coordinating Committee of the Commissions' activities which examines accreditation and re-accreditation documents besides examining the problems within the Commissions. The said meeting had been organized jointly by the Kenyan National Commission for Human Rights and the Raoul Wallenberg Institute of Human Rights and Humanitarian Law.

The Commission attended the meeting of the Bureau of the International Coordinating Committee of Human Rights Commissions' activities, held from 12th to 27th December 2007 in Geneva, Switzerland, with the objective of preparing the action plan as well as the strategic plan for this Committee's programme of activities.

A delegate of the Commission attended the 19th Conference of the International Coordinating Committee of Human Rights Commissions' activities, held in Geneva, Switzerland from 21st to 23rd March 2007. This conference examined the activities of the said Committee and those of the Sub-Committee

responsible for certifying that the National Commissions meet the requirements of the international principles governing them. At this conference also were examined the functioning of the said Committee and the preparations of the ninth International Conference of the National Institutions.

- **Collaboration with the Network of the African National Human Rights Institutions.**

The Rwanda Commission has been heading the Committee of the African National Human Rights Institutions for a period of two years, since 8th October 2007; and this is the reason why it is a member of the Bureau of the International Coordinating Committee of National Human Rights Institutions' activities.

This Committee holds meetings once every two years and at any other time it is deemed necessary the Commission attends the Network's meetings whenever convened, and it chairs them.

- **Collaboration with African National Human Rights Commissions**

A delegate of the Commission attended a conference that was held in Nairobi from 11th to 13th June 2007, with the objective of examining the changes that were effected from time to time regarding the Police Reform, Accountability and Effectiveness in East Africa.

The Commission took part in the Conference held in Cape Town, South Africa, from 23rd to 25th November 2007, with the objective of examining the role of National Human Rights Institutions in the promotion of appropriate justice for countries that have just come out of war times or have just liberated themselves from dictatorial regimes. This conference was organized jointly by the South African National Commission for Human Rights and the Office of the High Commissioner for Human Rights.

The Commission also attended the conference held in Cairo, Egypt, from 3rd to 4th December 2007 which examined the role of the African National Human Rights Commissions in the promotion and consolidation of democracy and human rights in Africa. This conference was organized jointly by the Egyptian Commission for Human Rights and the United Nations Educational Scientific and Cultural Organization (UNESCO).

- **Collaboration with the Forum of National Commissions of French speaking countries**

A delegate of the Commission attended the Second Congress of the Forum of National Human Rights Institutions in French speaking countries which took place at Rabat, Morocco, from 5th to 7th February 2007. This Second Congress that examined elections and democracy had been organized by the Forum of the Human Rights Commissions in French speaking countries in collaboration with the "Francophonie Secretariat" in charge of human rights.

- **The Sixth Conference of African National Human Rights Institutions**

The National Commission for Human Rights organized the Sixth Conference of African National Human Rights Institutions held in Kigali, from 8th to 10th October 2007. This conference had been organized by the Rwanda National Commission for Human Rights in collaboration with the Permanent Secretariat of the Network of African National Human Rights Institutions, with sponsorship from the Office

of the United Nations High Commission for Human Rights, the United Nations Development Program (UNDP), the United Nations High Commission for Refugees (UNHCR), the Brookings-Bern Project for the Internally Displaced Persons, the International Organization of French-speaking countries and the UK Department for International Development (DFID).

This conference also included representatives of Commissions and other National Institutions for Human Rights coming from twenty eight countries. The conference was also attended by different international organizations fighting for human rights.

The theme of the Conference was “The role of National Human Rights Institutions in the protection of the rights of Refugees, the Displaced Persons and Stateless persons in Africa”.

The main activities of this conference included the following:

- Signing the Act constituting the Network of African National Human Rights Commissions;
- Electing members of the Executive Committee of the Network. The Rwanda Commission for Human Rights won the confidence of the members present and was given a chance to head the network for a term of two years; and thus the Chairperson of the Rwanda Commission is at the same time the Chairperson of the Network;
- Following up the execution of the Abuja Declaration published by the Network’s member institutions in 2005. This Declaration related to the decision of African National Human Rights Institutions to include in their plans of action issues regarding respect for the International Covenant on Economic, Social and Cultural Rights.

Having indicated that Africa is a continent faced with the problems of refugees, IDPs and stateless persons due to conflicts and wars, the participants at the conference adopted a document that was entitled “The Kigali Declaration” containing decisions concerning the responsibilities taken on by the African National Human Rights Institutions, to include in their respective action plans activities relating to the promotion and protection of the rights of the refugees, IDPs and stateless persons.

The participants at the conference also decided that the institutions they represented should collaborate with Regional and International Organizations as well as the African Union in the promotion and protection of the rights of the refugees, IDPs as well as stateless persons found on the African Continent.

In a special way, all decisions of this Conference are contained in the actual Declaration annexed to this report.

3.6.3. Collaboration with other different organizations

A delegate of the Commission attended the Capacity Building Workshop on International and National Human Rights Frameworks relating to HIV and AIDS, held in Johannesburg, South Africa, from 23rd to 24th May 2007. This Workshop took place with the collaboration of the United Nations Development Program (UNDP) Offices in South Africa and Rwanda.

The Commission attended a meeting held in Cape Town, South Africa under the name “Africa’s Evolving Human Rights Architecture”, from 28th to 29th June 2007, with the objective of examining the question of human rights and equality.

A delegate of the Commission attended a seminar held at Montreal in Canada, from 10th to 29th June 2007, on the international program for training in human rights. This seminar had been organized by the International Centre for Education on Human Rights which has its Headquarters in Montreal, Canada.

A delegate of the Commission attended the training course on the treaty monitoring bodies, organized at Geneva, Switzerland, from 12th to 23rd November 2007 to examine how countries put in practice, the requirements of International Conventions on human rights. This training course was organized by a Non Government Organization known as “International Service for Human Rights”.

3.6.4. Collaboration with the United Nations Centre for Human Rights and Democracy in Central Africa

A delegate of the Commission attended a seminar on Transitional Justice organized at Yaoundé, Cameroon, from 11th to 13th June 2007. This seminar was organized by the United Nations Centre for Human Rights and Democracy in Central Africa.

3.6.5. Collaboration with Organizations operating in Rwanda.

- **Collaboration in the framework of the Meeting bringing together the Commission and Rwandan Associations and International Organizations fighting for the promotion and protection of human rights in Rwanda**

The Commission continued its collaboration with organizations operating in Rwanda, fighting for the protection and promotion of human rights. This collaboration was reflected in the activities of the “pilot meeting of the consultative meeting” (Réunion de pilotage de la reunion de concertation) which brings together the Commission and Rwandan associations and international organizations fighting for the protection and promotion of human rights in Rwanda. The activities of this meeting were reflected by seminars, activities relating to the follow-up of the respect for human rights in Gacaca jurisdictions, regarding exchange of ideas and in activities regarding commemoration of Human Rights Annual Days.

There were held meetings of the Executive Committee of the pilot meeting of the consultative meeting bringing together Rwandan associations and international organizations fighting for the protection and promotion of human rights in Rwanda.

During these meetings, there was prepared a plan of collective activities for the years 2007 and 2008. There was also established a Permanent Secretariat as well as an employee for the forum. There was carried out activities relating to the commemoration of the International Day for Human Rights, on 10th December 2007 and the Day commemorating the signature of the International Convention on the punishment and prevention of the crime of genocide, on 9th December 2007.

- **Collaboration with the Bar Association of Rwanda.**

In the context of its responsibility to follow up complaints, the Commission sent to the Bar Association cases of destitute people and children so that they could be given someone to back them up in courts.

- **Collaboration with the National Council of Women.**

On the invitation of the Chairperson of the National Council of Women, on 18th October 2007, the Commission collaborated with other institutions responsible for fighting against gender-based discrimination and violence to prepare and carry out activities planned throughout the country, for a period of sixteen days (from 25th November to 10th December 2007) devoted to condemning this violence.

- **Collaboration as regards commemoration of the International Day of Human Rights**

Regarding the commemoration of the International Day of Human Rights which takes place on 10th December, the following activities were carried out:

- On 8th December 2007, a conference on the program “Kubaza bitera kumenya” (Inquiry leads to knowledge) was organized on the theme: “*The Universal Declaration of Human Rights is a fundamental document in fighting for rights and freedom if the world inhabitants seek its support and make it their own*”. This conference took place in the conference room of Hotel Novotel Umubano.
- The workers of the Commission, those of the Ministry of Justice, members of the organizations constituting the forum for Rwandan organizations fighting for the protection and promotion of human rights commemorated the day of signing the Convention on the punishment and prevention of the crime of genocide, on 9th December, and they visited the Genocide Memorial sites of Nyamata and Ntarama.
- The Commission jointly with this forum and the Ministry of Justice prepared and commemorated the International Day of Human Rights, on 10th December 2007. The celebrations for this day at National level were organized in Jali Sector, Gasabo District, in the presence of the Minister of Justice as the Guest of Honour together with other leaders and inhabitants of the said District.

- **Collaboration with organizations operating in Rwanda in activities relating to respect for human right in Gacaca jurisdictions**

During the year 2007, the Commission convened and chaired a meeting every month, which brought together representatives of Rwandan and International Organizations operating in Rwanda, monitoring respect of human rights in Gacaca jurisdictions. These organizations included LIPRODHOR, PAPG, Penal Reform International (PRI) and “Avocats Sans Frontiers” (ASF).

Others who were invited to these meetings from time to time were the National Service in charge of Gacaca Jurisdictions and the European Union – Rwanda Branch.

The objective of these meetings was to exchange ideas on the findings of observers during the proceedings of Gacaca Jurisdictions, such that whatever went wrong regarding the respect for human rights could find a way for correction. Since the National Service in charge of Gacaca Jurisdictions is represented at the meeting, the decisions of the meeting reach the leadership of this Service without delay.

3.6.6. Collaboration with International Organizations

The Commission continued collaboration with the European Union, founded on the activities of a Project Monitoring the respect for human rights in Gacaca Courts and in Community Service (TIG).

From 29th May to 1st June 2007, at Rabat, Marocco, a delegation of the Commission attended a workshop named “Atelier pratique dans le cadre d’une formation à distance sur la prevention de la torture” (Practical Workshop as part of distance education on the prevention of Torture). This workshop was organized jointly by the Torture Prevention Agency (APT) and the Office of the United Nations High Commission for Human Rights.

3.6.7. Collaboration with Embassies and United Nations Agencies

Regarding collaboration with the British Embassy, the Commission got assistance from DFID. This assistance was channelled through the Commission’s Project called “Strengthening the Institutional Framework of Good Governance” run jointly buy the Commission and the United Nations Development Program.

Through its project named SIDA, the Swedish Embassy in Rwanda granted assistance to the Commission in its project to train secondary school teachers in the country, teaching the subject of human rights.

In the context of furthering collaboration, the Chinese Embassy in Rwanda assisted the Commission giving it a computer with its accessories and assured the Commission of continued collaboration.

During the year 2007, the Commission continued collaboration with the United Nations Development Program (UNDP), through the Commission’s project aimed at consolidating further the Commission’s capacity building. This project continued helping the Commission in activities relating to sensitization and training of various categories of Rwandans on human rights and in the Commission’s capacity building.

In collaboration with the United Nations Children’s Education Fund (UNICEF), the Commission put in place a unit responsible for monitoring the respect for children’s rights in particular while educating them on these rights, following up the respect for human rights in general and at the same time giving material assistance to the children as well. These activities continued during the year 2007.

On 3rd September 2007, the Commission attended a conference organized at Arusha, Tanzania. The objective of the conference was to present to the Secretary General of the East African Community

the views of the National Commissions for Human Rights regarding the Draft East African Bill of Rights and the Draft Zero Protocol to operationalize the Extended Jurisdiction on the East African Court of Justice. This conference had been organized by the Non Government Organization “Kituo Cha Katiba”.

From 8th to 10th October 2007, the National Commission for Human Rights jointly with the Office of the United Nations High Commissioner for Human Rights and the United Nations High Commissioner for the Refugees organized, at Kigali, Rwanda, the 6th Conference of National Human Rights Institutions.

The objective of this Conference was to sensitize the African National Human Rights Institutions as well as the Permanent Secretariat of the African National Human Rights Commissions on the competence to protect the rights of refugees, IDPs and stateless persons.

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3.7. OTHER RESPONSIBILITIES ENTRUSTED TO THE COMMISSION BY OTHER LAWS

3.7.1. Investigation carried out on the respect for children's rights

In the context of implementing its mission to monitor the respect for human rights in general and that of putting in place means and ways of monitoring the respect for the children's rights entrusted to it by Law n° 27/2001 of 28th April 2001 in particular, during the year 2006, the Commission conducted a detailed investigation on the respect for children's rights, especially orphan children, children heads of families, street children and working children. A document on this investigation was completed in the year 2007. The purpose of this investigation was to examine how the rights of these different categories of children are being respected, the problems they encounter and to make recommendations as to the strategies that could be adopted by concerned authorities to ensure further respect for their rights.

This investigation was conducted throughout the country, guided by a pre-prepared sample. Visits were effected to 26 orphanages and interviews conducted with 160 children living in these orphanages, 78 children heads of families, 226 street children and some other 81 engaged in different jobs. Interviews were also conducted with Heads of orphanages and other workers in these orphanages, local authorities, the National Police authorities as well as parents.

The investigation emphasized especially the right to life, the right to a family, the right to have a shelter, the right to education, the right health, the right to freedom of opinion and the right to leisure.

The findings of this investigation indicated that, although the Government invests a lot of efforts in finding solutions to the problems of these different categories of children, they still face difficulties that need to be solved. Some of these difficulties are the following:

- Regarding orphan children living with adoptive families, in some places they are mistreated, being made to do a lot of domestic work such that they do not do well their studies. Furthermore, some of the guardians tend to take over the orphans' property and make them their own.
- Regarding orphan children living in orphanages, the investigation indicated that they encounter social problems due to insufficient means of these orphanages.
- Concerning employed children, there are some who are still working on rice plantations, individual tea plantations as well as stone cutting activities. Yet others are domestic workers, workers in restaurants and bars. All these have the problems of exhaustion, leaving school due especially to the poverty of their families of origin and are given an unfair salary.

For those children responsible for other children, most of them are found to have abandoned school and those remaining at school do not have good grades due to a lot of work they are engaged in at home after school; as a result, in the National Examinations at the end of different educational levels, they do not get grades qualifying them to have access to public schools. Another thing revealed by the investigation was that these children are the same that work in bars and restaurants and some times the girls are engaged in prostitution.

Based on these problems, the National Commission for Human Rights made some recommendations to concerned authorities requesting that these recommendations should be put into action so that the rights of these children could be protected.

These recommendations are the following:

- Consolidating the program already started of educating children who have not had access to school at earlier age;
- Creating a National Police Unit responsible for those under age (Police des mineurs) and another responsible for moral standards (Police des moeurs);
- Asking concerned authorities to support further the program “The neighbour’s eye” which requires that each citizen should feel concerned about even the child who is not his own;
- Although the Government plans to remove children from orphanages putting them into families in attempt to enable them get proper rearing, it should make provisions to assist those centres which are still accommodating orphans because they are sometimes without sufficient means such that the children lack good living conditions. Furthermore, the children above 18 years of age should be removed from orphanages and get integrated into ordinary life, they could be assisted economically such that they could manage to earn their own living;
- Establishing punitive measures against people who employ children under the age of employment and those assigning them duties beyond their capacity.

3.7.2. Creating and training Observatory Committees for Children’s rights (Observatoire des droits de l’enfant)

In the context of carrying out the responsibility entrusted to it by Law n° 27/2001 of 28th April 2001 relating to the rights and the protection of the child against violence, in its article 24, the Commission put in place members of Sector and District level Observatory Committees for children’s rights, as decided earlier on during the year 2006.

The Commission also organized seminars throughout the country for members of these committees, regarding Rwandan Laws and International Conventions protecting children’s rights. They at the same time were given teaching aids. The total number of beneficiaries of these seminars was 6,607.

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3.8. COLLABORATION OF THE COMMISSION WITH GOVERNMENT INSTITUTIONS

- **The Parliament**

Collaboration between the Commission and the Parliament is founded on presenting to the Parliament the Commission's action plan and giving views on bills regarding human rights.

- **The Supreme Court**

Collaboration between the Commission and the Supreme Court is based on Article 44 of the Constitution which states that the Supreme Court is the guardian of the respect for human rights.

This collaboration is also based on the fact that the Commission's reports are examined in the Superior Council of the Judiciary.

Furthermore, the Chairperson of the National Commission for Human Rights is member to the Superior Council of the Judiciary.

- **Parquet General of the Republic**

Regarding collaboration between the Commission and the Parquet General of the Republic, there were held different meetings between these two institutions, discussing issues relating to the respect of human rights in general, and particularly the cases of people who remain in detention for a long time.

The Chairperson of the National Commission for Human Rights is a member of the Superior Council of the Judiciary and this same Council examines the Commission's report to see whether the cases reported to it have been settled.

- **The 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 founded on activities relating to people's seminars organized by the Commission through local authorities.

- **Ministry of Justice**

Collaboration between the Commission and the Ministry of Justice is based on the fact that in accordance with the nature of the laws, the Ministry of Justice is the link between the Commission and the Government. It is in this context that the Commission attended the meetings bringing together the institutions belonging to the justice sector and chaired by the Ministry of Justice.

- **The Ministry of Internal Affairs**

Collaboration between the Commission and the Ministry of Internal Affairs is based on the activity of visiting prisons. The Commission reports to this Ministry cases regarding the respect for the detainees' rights.

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

Collaboration between the Commission and the Ministry of Gender and Family Promotion is based on matters concerning the rights of children and women. It is in this context that the Commission is invited to and plays active part in the activities and meetings organized by this Ministry.

Some of these activities include the National Summit of Children. Regarding women's rights, the Commission collaborates with this Ministry in organizing the commemoration of the Women's International Day and other activities aimed at the promotion of equality and women's rights, at the same time giving views and advice.

There are also issues regarding required reports in relation with International Conventions (CEDAW). It is in this context that the Commission collaborated with the Ministry of Gender and Family Promotion in the preparation of Rwanda's report indicating the stage reached in the implementation of the African Convention on the rights and welfare of the child (Africa fit for Children), before it was forwarded to the African Union.

- **Ministry of Information in the Prime Minister's Office**

Collaboration between the Commission and the Ministry of Information based on seminars for journalists organized by this Ministry and in which the Commission delivered lectures.

The Commission also collaborated with the Ministry of Information in giving advice on bills regarding journalism and the media.

- **Ministry of Public Service**

Collaboration between the Commission and the Ministry of Public Service is based on giving advice on the Draft of the National Policy, against the worse forms of labour of children, as well as following up activities regarding children's rights.

- **The National Unity and Reconciliation Commission**

The National Commission for Human Rights continued giving lectures on human rights in different solidarity camps organized by the said Commission. The National Commission for Human Rights also collaborated with this other Commission in organizing the General Summit for Children at National level.

- **Rwanda Demobilization and Reintegration Commission**

On the invitation of Rwanda Demobilization and Reintegration Commission, the National Commission for Human Rights continued giving different lectures on human rights in solidarity camps organized for those who abandoned infiltrators.

- **The National Service in charge of Gacaca Courts.**

Collaboration with this Service is based on activities related to follow-up of the respect for human rights in the functioning of Gacaca courts. Every three months, the Commission presents to this Service a report indicating how human rights have been respected in Gacaca courts. This report includes also some recommendations.

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3.9. VISITS TO THE COMMISSION

Mrs Louise ARBOUR, the United Nations High Commissioner for Human Rights and the delegation with her, including Representative of the United Nations Development Program (UNDP) in Rwanda, visited the Commission, on 24th April 2007 and held discussions with all the Commissioners. The discussions centred on the situation of human rights in the country.

The Ambassador of Germany in Rwanda together with GUNTER NOOKE, the German Government Advisor on Human Rights issues, visited the National Commission for Human Rights and they discussed on Human Rights in Rwanda.

The Commission was also visited by the Parliament Commission in charge of Human Rights, on 9th March 2007, and they discussed on cases presented in the former Commission's report for the year 2006 and the stage reached in settling them.

The Commission was also visited by a delegation from the United Nations, in the context of the program that has been called "Action II" and a delegate of the United Nations High Commissioner for Human Rights accompanied by the "UN Resident Coordinator" who was also Representative of the United Nations Development Program in Rwanda. Their discussions related to the Program of the United Nations activities that might be based on the respect for human rights.

The Commission also was visited by the Executive Secretary in charge of Gacaca courts at National level, on 5th December 2007, and she met the Commissioners. The Commission presented to her in a general manner, the cases it followed up concerning the respect for human rights in Gacaca courts and those relating to unlawful arrests and imprisonment in those courts, in particular.

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3.10. VISIT TO THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA IN ARUSHA

From 24th to 28th September 2007 and from 1st to 5th October 2007, Commissioners and workers of the Commission went on a study tour to Arusha in Tanzania.

Before going to Arusha, the Commission had first visited Mpanga Prison with the objective of verifying whether this Prison meets the requirements of international standards regarding detention premises.

The study tour had the following objectives:

- Visiting the International Criminal Tribunal for Rwanda so that the Commissioners could get acquainted with the case files of those detained in Arusha in connection with the crime of genocide and other crimes against humanity so as to prepare for follow-up of these cases once the detainees will have been transferred to Rwanda;
- Visiting the Arusha Prison so as to know the living conditions of the detainees therein and how their rights are respected, and to determine how much care is taken of their files as well as the files of those who have already appeared before the said tribunal;
- Having discussions with different authorities in charge of this tribunal;
- Visiting the Court of the East African Community in order to exchange views regarding the competence it is soon to be given to handle cases relating to violation of human rights in the East African Region.

The study tour was conducted in two groups. The Commissioners and workers of the Commission met the top management of the said Tribunal and other high officials as follows:

- Mr Dennis C.M. Byron, President of the Tribunal;
- Mr. Hassan Bubacar Jallow, the Prosecutor;
- Mr. Adam Dieng, the Registrar of the Tribunal;
- Mr. Mutabingwa Aloys, Officer in charge of Rwanda's interests in the International Criminal Tribunal for Rwanda;
- Mr Roland Amoussouga, Senior Legal Adviser, the Tribunal's Spokesman;
- Mr. Saidou Guindo, in charge of the Prison;
- Mrs. Sarah M. Kilemi, in charge of the administration within the tribunal;
- Mrs. Sylvie Becky, in charge of the Witness Department;
- Mr. Dustin Mwangulu, in charge of the administration of the court chambers;
- Mr. Alessandro Caldarone, Officer in charge of all protocol and conference service matters.

In general the discussions related to case files, the transfer of detainees whose cases have been decided on and who have been sent to places where the crimes were committed, as well as the actual cases and how they could be handled in Rwanda.

The delegation on the study tour visited the Arusha Prison and met some of the detainees in different sections of the Prison.

This Prison meets the requirements provided in the United Nations Standard Minimum Rules for the Treatment of Prisoners. It is situated at a place away from the city, with sufficient security. It has adequate leadership and staff with appropriate qualifications and competence. The living conditions of the detainees are also taken good care of.

The delegation on the study tour also attended some of the detainees' case proceedings.

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IV. FINANCIAL REPORT

4.1. INTRODUCTORY NOTE

The financial report of the year 2007 presents the funds allocated to the Commission from the Ordinary Government Budget, endowments from donors and funds received from the Ministry of Justice, from 1st January to 31st December as well as expenditure of these funds.

For the year 2007, the Commission was allocated by Law special n° 53/2006 of 31st December 2006 determining the State Budget, the sum equivalent to *six hundred and eight million two hundred fourteen thousand four hundred sixty six francs* (608 214 466 RWF).

Of the funds allocated to the Commission by the law, by 31st December 2007, the Commission had received the sum of *five hundred eighty one million seven hundred forty four thousand seven hundred thirty nine* (581 744 739 RWF). The Commission was thus not given any funds for daily operations during the month of December 2007. For this reason, by the end of the year, the Commission had arrears to be paid. These funds came to be added to the sum already on the Commission's bank account and petty cash by 31st December 2006, equivalent to *five million four hundred and thirty thousand five hundred eighty four francs* (5 430 584 RWF).

Besides these funds from the Ordinary State Budget at its disposal in the year 2007, the Commission received some other funds from donors, equivalent to the sum of *a hundred thirty six million seven hundred and three thousand two hundred and forty francs* (136 703 240 RWF); earmarked for the following activities:

- *The sum of seventy eight million three hundred eighty seven thousand four hundred and five francs (78 387 405 RWF)*, received by the Commission from UNICEF was earmarked for training members of the Committees responsible for monitoring the respect of Children's Rights. This sum was channelled through the Commission's bank account;
- *A sum of fifty eight million three hundred fifteen thousand eight hundred thirty five (58 315 835 RWF)* was earmarked for organizing the 6th International Conference of National Human Rights Institutions, held in Kigali on 8-10/10/2007. These funds were offered by the following donors:
 - Office of the United Nations High Commissioner for Human Rights (OHCHR) donated *twenty four million, four hundred seventy one thousand, three hundred eighty one francs* (24 471 381 RWF);
 - The United Nations High Commission for Refugees (HCR), Rwanda Office, donated *twenty one million eight hundred forty thousand* (21 840 000 RWF);
 - The International Organization for French speaking countries (OIF) donated *seven million six hundred ninety six thousand four hundred ninety nine francs* (7 696 499 RWF);
 - The Non Government Organization responsible for the Displaced Persons "Brookings" donated *four million three hundred seven thousand, nine hundred fifty five francs* (4 307 955 RWF).

All these funds reserved for the said Conference were channelled through the Commission's special account, opened specifically for this purpose.

During the same year 2007, the Ministry of Justice donated to the Commission a sum of *four hundred forty six thousand two hundred francs* (446 200 RWF) as assistance in the event of hosting the United Nations High Commissioner for Human Rights.

All these donations added to the funds allocated to the Commission in the Ordinary State Budget for 2007 add up to *seven hundred eighteen million eight hundred ninety four thousand one hundred seventy nine francs* (**718 894 179 RWF**).

There were some other *eleven million, eight hundred fifty four thousand, five hundred and twenty one francs* (**11 854 521 RWF**) which projects operating within the Commission owed to the Commission.

Expenditure by the Commission until 31st December 2007 totals to *seven hundred fifteen million, two hundred seventy seven thousand, three hundred and fifteen francs* (**715 277 315 RWF**). This sum was spent on paying salaries, day to day operations, paying some of the arrears owed by the Commission, by 31st December 2006.

By the end of 2006, the Commission had debts in the sum of *twenty nine million, ninety two thousand, three hundred and fifty five francs* (**29 092 355 RWF**)¹⁸; by the end of the year 2007, the Commission had paid some of those arrears, remaining with others totalling one million seven hundred twenty five thousand five hundred and sixty five francs (**1.725.565 RWF**) added to *sixteen million twenty four thousand and fifty nine francs* (**16 024 059 RWF**). These latter arrears were due to the fact that the Commission was not given funds for the day to day running costs for the month of December 2007.

By 31st December 2007, the Commission had on its bank accounts and in petty cash a balance equivalent to *seven million, eight hundred thirty three thousand, six hundred and seventy three francs* (**7 833 673 RWF**).

During the year 2007, donors gave to projects operating within the Commission (Commission's capacity building project and the project for monitoring of respect for human rights in Gacaca courts) a sum of *three hundred eighty seven million four hundred eighty four thousand seven hundred and fifty francs* (**387 484 750 RWF**).

How these projects spent these funds is presented on pages 100 to 101.

¹⁸ This total of arrears comprises arrears for the year 2006 plus 300 000 RWF, 3% which had not been paid by 31st December 2006.

4.2. THE GENERAL FINANCIAL SITUATION OF THE COMMISSION FOR THE YEAR 2007

4.2.1. The general situation of receipts from the Ordinary State Budget and other funds channelled through the Commission's account during the year 2007

The table below shows the funds the Commission had in the bank and in petty cash, funds owed to the Commission and the funds yet to be paid by projects by 31st December 2006; receipts and expenditure of the Commission during the year 2007; as well as the Commission's balance and unpaid debts by 31st December 2007.

I. FUNDS AT THE COMMISSION'S DISPOSAL BY 31/12/2006	AMOUNT
1. FUNDS ON ACCOUNT BY 31/12/2006 (A)	
Account n° 120.10.95	1 724 694
Account n° 320.10.53	3 628 990
Account n° 120.29.47- Sixth International Conference (ICNHRIs)	0
Commission's Petty Cash	76 900
Sixth International Conference's Petty Cash	0
2. OTHERS (B)	
Commission's funds in the hand of projects	11 854 521
Funds owed to the Commission	29 092 355
FINANCIAL SITUATION BY 31/12/2006 (A+B)	-11 807 250
II. FUNDS RECEIVED BY THE COMMISSION DURING TYE YEAR 2007 (C)	
II.1. Funds allocated to the Commission on Ordinary State Budget for 2007	581 744 739
II.2. Funds offered to the Commission by the Ministry of Justice	446 200
II.3. Funds received from Donors:	
- UNICEF	78 387 405
- Donors for the 6 th International Conference of National Human Rights Institutions "OHCHR", "HCR", "BROOKINGS", "OIF"	58 315 835
TOTAL OF FUNDS RECEIVED BY THE COMMISSION DURING THE YEAR 2007	718 894 179
TOTAL SUM: (A+B+C)	707 086 929
EXPENDITURE OF THESE FUNDS (D)	
Salaries and daily running costs from the budget	581 165 329
Expenditure on seminars for Committees responsible for the protection of children's rights; donated by UNICEF	68 759 601
Expenditure on the organization of the 6 th International Conference for National Human Rights Commissions, donated by OHCHR, HCR, BROOKINGS, OIF	65 352 385*
TOTAL	715 277 315
DIFFERENCE: (A+B+C) - D	-8 190 386
EXPLANATION OF THIS DIFFERENCE	
FUNDS AT THE COMMISSION'S DISPOSAL BY 31/12/2007	
Account n° 120.10.95	5 790 920
Account n° 320.10.53	127 807

Account n° 120.29.47- 6 th International Conference (ICANHRI)	1 479 282
Commission's Petty Cash	358 664
Petty Cash – 6 th International Conference (ICANHRI)	77 000
Commission's funds in the hands of projects	0
Funds owed to the Commission	16 024 059
FINANCIAL SITUATION BY 31/12/2007	-8 190 386

* Regarding donations for the organization of the 6th Conference for Human Rights Commissions, expenditure surpassed the donations because they first donated 80% of the funds planned, thus the Commission is waiting to be refunded the remaining 20%.

4.2.2. Financial situation of the Projects operating within the Commission in the year 2007

A. The Project of Monitoring the respect for human rights in Gacaca courts

A. SOURCE	AMOUNT
1. Funds on Account at the beginning of the year 2007	
Account n° 120.13.44	0
The Project's Petty Cash	0
Total of funds at the Project's disposal	0
2. Funds donated to the Project during the year 2007	177 477 468
TOTAL OF FUNDS RECEIVED BY THE PROJECT DURING THE YEAR 2007 (1+2)	177 477 468
B. EXPENDITURE OF THESE FUNDS	
- Monitoring the functioning of Gacaca Courts	70 022 413
- Salaries for the Project's workers	107 454 826
TOTAL EXPENDITURE	177 477 239
DIFFERENCE BETWEEN RECEIPTS AND EXPENDITURE (A-B)	229
C. BALANCE FOR THE PROJECT BY 31/12/2007:	
Account n° 120.13.44	229
Project's Petty Cash	0
TOTAL	229
DIFFERENCE	0

B. FINANCIAL SITUATION OF THE COMMISSION'S CAPACITY BUILDING PROJECT

A. SOURCE	AMOUNT
1. Funds at the Project's disposal at the beginning of the year 2007	
Account n° 120.29.31	0
Petty Cash	0
Total of funds at the Project's disposal	0
2. Donations to the Project during the year 2007	219 665 591
TOTAL OF FUNDS RECEIVED BY THE PROJECT DURING THE YEAR 2007 (1+2)	219 665 591
B. EXPENDITURE OF THE FUNDS	
Acquisition of technical equipment and their installation	42 087 075

Conferences, acquisition of books and other documentation for the Commission	7 329 495
Seminars on human rights and related issues	74 831 017
Meetings inside the country	22 955 986
Meetings abroad	48 552 918
Expenditure on workers of the project and office equipment	23 315 305
Funds involved in bank transactions	126 098
TOTAL OF EXPENDITURE	219 197 894
DIFFERENCE BETWEEN RECEIPTS AND EXPENDITURE	467 697
C.THE PROJECT'S BALANCE BY 31st DECEMBER 2007	
Account n° 120.13.44	467 627
Petty Cash	70
Total	467 697
DIFFERENCE	467 697

4.3. EXPENDITURE OF FUNDS ALLOCATED TO THE COMMISSION IN THE ORDINARY STATE BUDGET FOR THE YEAR 2007.

Expenditure of the funds allocated to the Commission in the Ordinary State Budget for the year 2007 is presented in the table below and is understood more clearly through accompanying explanations.

Code	ITEM	FUNDS BUDGETED	FUNDS GIVEN	EXPENDITURE	DIFFERENCE	PERCENTAGE
	GRAND TOTAL	608 214 466	581 744 739	581 165 329	579 410	99,90%
5	PLANNING AND FINANCIAL MANAGEMENT OF THE COMMISSION	520 514 974	498 846 810	509 163 027	-10 316 217	102,07%
501	INSTITUTIONAL MANAGEMENT	480 934 974	462 851 257	483 732 252	-20 880 995	104,51%
5010101	EXPENDITURE ON COMMISSIONERS AND WORKERS	357 164 130	353 253 552	353 486 994	-233 442	100,07%
5010102	OTHER SUPPORTS TO THE DAILY FUNCTIONNING	123 770 844	109 597 705	130 245 258	-20 647 553	118,84%
502	COMMISSION'S CAPACITY BUILDING	39 580 000	35 995 553	25 430 775	10 564 778	70,65%
5020101	SEMINARS INSIDE THE COUNTRY FOR COMMISSIONERS AND WORKERS	3 000 000	2 571 428	3 254 800	-683 372	126,58%

5020201	COMMISSIONERS' STUDY TOUR TO GENEVA	5 000 000	4 527 715	0	4 527 715	0,00%
5020202	STUDY TOUR OF COMMISSIONERS AND WORKERS TO THE I.C.T.R. ARUSHA	7 000 000	6 900 000	4 323 470	2 576 530	62,66%
5020203	STUDY TOUR FOR COMMISSIONERS & WORKERS TO OTHER HUMAN RIGHTS COMMISSIONS	5 000 000	4 390 139	1 382 792	3 007 347	31,50%
5020301	SEMINARS OUTSIDE THE COUNTRY FOR COMMISSIONERS AND WORKERS	4 000 000	3 428 572	3 090 553	338 019	90,14%
5020401	FOLLOW-UP OF IMPLEMENTATION OF THE COMMISSION'S PLAN OF ACTION	1 280 000	1 097 143	937 750	159 393	85,47%
5020501	ATTENDING INTERNATIONAL CONFERENCES ON HUMAN RIGHTS	4 000 000	3 428 572	4 468 867	-1 040 295	130,34%
5020601	INSTALLATION OF COMPUTER CONNECTIONS IN THE COMMISSION'S ROOMS	7 300 000	6 980 555	5 527 543	1 453 012	79,18%
5020701	WORKERS' TRAINING IN LANGUAGES AND COMPUTER SKILLS	3 000 000	2 671 429	2 445 000	226 429	91,52%
6	PROTECTION OF HUMAN RIGHTS	37 820 000	37 820 000	36 036 229	1 783 771	95,28%
601	INVESTIGATION ON HUMAN RIGHTS VIOLATION	25 000 000	25 000 000	30 269 632	-5 269 632	121,08%
6010101	RECEIVING COMPLAINTS AND FOLLOWING THEM UP	8 770 000	8 770 000	20 196 490	-11 426 490	230,29%
6010102	LODGING COMPLAINTS TO COURTS	9 180 000	9 180 000	0	9 180 000	0,00%
6010105	FOLLOW-UP OF COURT PROCEEDINGS	1 590 000	1 590 000	764 352	825 648	48,07%

6010106	FORMULATION OF RECOMMENDATIONS	2 090 000	2 090 000	696 000	1 394 000	33,30%
6010107	FOLLOW-UP OF RESPECT FOR CHILDREN'S RIGHTS	3 370 000	3 370 000	8 612 790	-5 242 790	255,57%
602	MONITORING RESPECT FOR HUMAN RIGHTS IN GACACA COURTS AND COMMUNITY SERVICE	12 820 000	12 820 000	7 067 095	5 752 905	55,13%
6020101	VISITING PRISONS	2 190 000	2 190 000	1 309 950	880 050	59,82%
6020102	GIVING RECOMMENDATIONS REGARDING RESPECT FOR HUMAN RIGHTS IN PRISONS	1 100 000	1 100 000	460 000	640 000	41,82%
6020201	FOLLOW-UP OF GACACA COURTS ACTIVITIES	1 600 000	1 600 000	2 687 113	-1 087 113	167,94%
6020202	GIVING RECOMMENDATIONS REGARDING RESPECT FOR HUMAN RIGHTS IN GACACA COURT	1 880 000	1 880 000	226 472	1 653 528	12,05%
6020301	FOLLOWING UP "TIG"	1 800 000	1 800 000	1 870 060	-70 060	103,89%
6020302	GIVING RECOMMENDATIONS REGARDING RESPECT FOR HUMAN RIGHTS IN "TIG"	1 470 000	1 470 000	247 500	1 222 500	16,84%
6020401	FOLLOWING UP ELECTIONS	1 000 000	1 000 000	266 000	734 000	26,60%
6020402	GIVING RECOMMENDATIONS REGARDING RESPECT FOR HUMAN RIGHTS IN ELECTIONS	1 780 000	1 780 000	0	1 780 000	0,00%
7	PROMOTION OF HUMAN RIGHTS	49 879 492	45 077 929	34 665 575	10 412 354	76,90%

701	TRAINING AND SENSITIZATION OF RWANDAN POPULATION ON HUMAN RIGHTS	49 879 492	45 077 929	34 665 575	10 412 354	76,90%
7010101	PREPARATION OF MANUALS AND TEACHING AIDS ON HUMAN RIGHTS	800 000	657 142	986 000	-328 858	150,04%
7010201	PREPARING SEMINARS FOR SECONDARY SCHOOL TEACHERS ON HUMAN RIGHTS	1 600 000	1 342 856	5 109 000	-3 766 144	380,46%
7010301	PREPARING SEMINARS FOR MEMBERS OF HUMAN RIGHTS ORGANIZATIONS AND YOUTH ASSOCIATIONS ON HUMAN RIGHTS	1 700 000	1 457 142	4 549 989	-3 092 847	312,25%
7010401	PREPARING SEMINARS FOR RELIGIOUS ORGANIZATIONS ON HUMAN RIGHTS	1 800 000	1 500 000	3 037 252	-1 537 252	202,48%
7010501	PREPARING SEMINARS FOR MEMBERS OF THE RWANDAN FORUM FOR PRIVATE ENTREPRENEURS ON HUMAN RIGHTS	800 000	685 713	0	685 713	0,00%
7010601	PREPARING SEMINARS FOR MEDIATORS ON HUMAN RIGHTS	1 500 000	1 257 142	0	1 257 142	0,00%
7010701	FOLLOW-UP ON RATIFICATION OF INTERNATIONAL CONVENTIONS ON HUMAN RIGHTS	300 000	257 142	75 000	182 142	29,17%
7010801	ACQUISITION OF EQUIPMENT FOR THE STUDIO	1 100 000	942 857	0	942 857	0,00%
7010802	PREPARING RADIO PROGRAMMES AND BROADCASTING THEM	1 290 000	1 034 285	582 500	451 785	56,32%
7010901	PREPARING AND PASSING PROGRAMS	1 300 000	1 114 285	0	1 114 285	0,00%

	ON TELEVISION					
7011001	PREPARING, PUBLISHING AND DISSEMINATING BROCHURES IN RELATION WITH HUMAN RIGHTS	1 200 000	538 446	692 183	-153 737	128,55%
7011101	SENSITIZING PEOPLE ON HUMAN RIGHTS IN SOLIDARITY CAMPS ORGANIZED FOR DIFFERENT CATEGORIES OF PEOPLE	1 800 000	1 142 856	743 852	399 004	65,09%
7011201	SENSITIZATION ON HUMAN RIGHTS IN PRISONS	1 400 000	1 200 000	0	1 200 000	0,00%
7011301	PRINTING OF ANNUAL REPORT ON RESPECT FOR HUMAN RIGHTS	1 100 000	942 857	750 000	192 857	79,55%
7011302	TRANSLATING IN DIFFERENT LANGUAGES THE ANNUAL REPORT ON THE RESPECT FOR HUMAN RIGHTS	1 000 000	857 143	672 600	184 543	78,47%
7011401	PREPARING ADVERTIZEMENT BROCHURES	500 000	428 571	0	428 571	0,00%
7011402	PUBLISHING IN JOURNALS AND NEWSPAPERS ADVERTIZEMENT ARTICLES	200 000	171 429	500 000	-328 571	291,67%
7011501	PREPARING DEBATES ON HUMAN RIGHTS IN ALL PROVINCES OF THE COUNTRY	2 100 000	1 800 000	0	1 800 000	0,00%
7011601	ORGANIZING DRAMA COMPETITION IN SECONDARY SCHOOLS	1 500 000	1 285 714	0	1 285 714	0,00%
7011701	COLLABORATING WITH OTHER INSTITUTIONS IN ORGANIZING A WORKSHOP ON HUMAN RIGHTS	1 390 000	1 191 429	82 500	1 108 929	6,92%
7011801	ORGANIZING THE 6 TH INTERNATIONAL	23 899 492	23 899 492	16 007 199	7 892 293	66,98%

	CONFERENCE OF AFRICAN NATIONAL HUMAN RIGHTS COMMISSIONS					
7011901	RENOVATION OF THE COMMISSION'S DOCUMENTATION CENTRE	800 000	685 714	0	685 714	0,00%
7012001	COMMEMORATING ANNUAL DAYS ON HUMAN RIGHTS	800 000	685 714	877 500	-191 786	127,97%

Source: - Records of Commission's Accounts Department for the year 2007
Law determining State Finance for the year 2007

4.3.1. Explanations on the table regarding expenditure of funds from Ordinary State Budget for the year 2007

The table indicates that for certain budget lines there was a balance whereas for certain others expenditure superseded budget.

A. Budget lines where expenditure superseded budget

In general, for certain activities the funds spent were more than those given to the Commission. This was due to the fact that provisions for these activities were low and yet these were among important activities which the Commission found necessary to be done, based on its mission.

These activities are the following:

- Those relating to receiving and following up complaints (6010101): expenditure is usually greater as compared to the budget because it is from this budget line that funds are taken to hire vehicles for the transportation of those going to follow up cases on violation of human rights and this activity is an important duty of the Commission because the Commission's intervention is sought any time it is deemed necessary. Usually, the cost of these vehicles is high as compared to the provisions.
- Those regarding preparation of seminars for organizations dealing with human rights and Youth Associations on human rights (7010301) and preparing seminars for religious organizations on human rights (7010401); the provisions were lower as compared to this activity.
- Follow-up of respect for children's rights (6010107): expenditure exceeded provisions because the donation from UNICEF earmarked for the activity of establishing and training committees responsible for follow-up of the respect of children's rights during the first phase was inadequate, such that it became necessary for the Commission to add some more funds so that this activity could be carried out.
- Seminar for secondary school teachers on human rights (7010201): the provisions for this activity were inadequate because for the participants from Nyabihu, it was necessary that the seminars

be organized in different groups to enable them follow the seminars more conveniently because they were many and coming from long distances.

B. Budget lines where the funds were not utilized

The table below indicates that there were activities where not all the funds budgeted were utilized because there was coincidence of certain activity programs and thus some activities were not carried out. These funds were utilized to pay off some of the Commission's arrears for the years 2002-2006.

There are certain other activities which were never done because their budgets were insufficient, compared to their volume and it was necessary that these funds also be spent to pay off arrears (7010601, 7010801, 7010901, 7011201, 7011402, 7011501, 7011601, 7011901). There are some other activities not carried out, relating to giving advice on the respect for human rights during elections (6020402) as well as lodging complaints to courts (6010102).

C. Arrears paid during the year 2007

The table below indicates in detail the arrears paid by the Commission during the year 2007.

ITEM	AMOUNT
RADIO PROGRAMMES	9 732 500
MAINTENANCE OF OFFICE BUILDING	2 951 487
SECURITY	283 200
PRINTING	3 972 124
SEMINARS FOR COMMISSIONERS AND WORKERS	1 438 000
SUPERVISION	239 154
CAR HIRE	2 460 000
RECEPTION FOR WORKERS	532 500
COST OF MISSIONS INSIDE THE COUNTRY	171 360
RECEPTION FOR VISITORS	35 000
NON DURABLE OFFICE EQUIPMENT	2 614 924
DURABLE OFFICES EQUIPMENT	2 390 500
SEMINARS	245 676
DOWN PAYMENT 3%	300 365
GRAND TOTAL	27 366 790

The reason why by 31st December 2007, the Commission still had these arrears unpaid is that it had not been given funds for the day to day running costs for the month of December 2007.

4.4. ENDOWMENTS RECEIVED BY THE COMMISSION FROM DONORS

During the year 2007, the Commission was given by donors endowments amounting to *three hundred ninety seven million, one hundred forty three thousand and fifty nine francs (397 143 059 RWF)* which was earmarked for projects operating within the Commission.

The table below presents the funds received by the Commission from donors during the year 2007.

Donor	Purpose	Budget for the year 2007	Funds donated during 2007	Funds spent	Difference between donations and expenditures
PNUD	Commission's capacity building	227 006 900	219 665 591	219 197 894	467 627
European Union	Follow-up of activities in Gacaca courts	275 611 560	177 477 468	177 477 239	229

Source: Project reports

4.4.1. Expenditure of funds for the Commission's Capacity Building Project for the year 2007

During the year 2007, the United Nations Development Program (UNDP) in collaboration the UK Department for International Development (DFID) donated to the Commissions funds amounting to *two hundred nineteen million, six hundred sixty five thousand five hundred and ninety one Rwandan francs (219 665 591 RWF)*. These funds were spent on the Commission's capacity building.

The table below presents the expenditure of these funds:

ITEM/ACTIVITY	BUDGET FOR THE YEAR 2007	FUNDS DONATED	EXPENDITURE	DIFFERENCE BETWEEN DONATION AND EXPENDITURE
1.COMMISSION'S CAPACITY BUILDING				
1.1. Technical equipment and their installation in the Commission's premises	57 548 800	42 087 075	42 087 075	0
2. Publicity for the Commission and sensitizing the				

Population on matters relating to human rights				
2.1.Conferences, acquisition of books and other documentation	41 510 049	7 329 495	7 329 495	0
3.Mobilization regarding human rights				
3.1.Seminars on human rights and connected issues	76 761 450	74 831 017	74 831 017	
3.2.Follow-up of elections			0	0
4.Collaboration between the Commission and other Non Governmental Organizations fighting for human rights				
4.1.Meetings inside the country	23 423 683	23 423 683	22 955 986	467 697
4.2.Meetings and seminars abroad	48 552 918	48 552 918	48 552 918	0
5.Activity control			0	0
6. Project management				
6.1.Expenditure on Project workers and office equipment	24 210 000	23 315 305	23 315 305	0
GRAND TOTAL	272 006 900	219 665 591	208 999 641	467 697

* For the funds earmarked for seminars on human rights (3.1) there was a balance because not all expected participants actually attended the seminars.

4.4.2.Expenditure of funds for the Project to follow up respect for human rights in Gacaca courts

During the year 2007, the European Union had reserved for the Commission a sum equivalent to *two hundred seventy five million, six hundred eleven thousand five hundred and sixty francs (275.611.560 RWF)*. On these funds earmarked, there was given a sum of *one hundred seventy seven thousand, four hundred and sixty eight Rwandan francs (177.477.468 RWF)* which was to be utilized in the Project to follow up the respect for human rights in Gacaca courts from 1st January 2007 to 31st October 2007, because this is the period when the project was scheduled to end.

The table below presents expenditure of the funds donated for the activity of following up respect for human rights in Gacaca courts.

Item	Provisions	Funds donated	Funds spent	Balance on donations	Balance on provisions
Follow-up of the functioning of Gacaca courts	85.960.000	70.022.642	70.022.413	229	15.937.358
Salaries for project workers	176.527.200	107.454.826	107.454.826	0	69.072.374
Unforeseen activities	13.124.360	0	0	0	13.124.360
GRAND TOTAL	275.611.560	177.477.468	177.477.239	229*	98.134.092

Source: Project's Report

* These funds appearing in the table to have remained and at the same to have been given to the project remained on the Donor's Account.

EXPLANATION REGARDING THE BALANCE ON THE FUNDS DONATED

- Regarding follow-up of the functioning of Gacaca courts, there was a balance of *fifteen million nine hundred thirty seven thousand three hundred and fifty eight Rwandan francs (15.937.358 RWF)* budgeted to be utilized for twelve months, but as the donors delivered the funds late, the project operated for ten months.
- On the item concerning salaries for workers, there was a balance of *sixty nine million seventy two thousand three hundred and seventy four Rwandan francs (69.072.374 RWF)* for the reason mentioned above, adding the problem that for three months the project had no Accountant, and some other workers kept on resigning from the project without being replaced immediately.
- As for the item concerning unforeseen activities, the totality of the funds was never given because they were never required.
- The balance on the funds budgeted for the project, namely a sum of *ninety eight million one hundred thirty four thousand and ninety two Rwandan francs (98.134.092 RWF)* will be added to the second phase of the project because usually the funds remain on the donor's account, in the envelope intended for the National Commission for Human Rights.

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V. CONCLUSION AND RECOMMENDATIONS

As can be seen in this report, during the year 2007, the Commission continued carrying out the mission entrusted to it by Article 177 of the Constitution of the Republic of Rwanda and Law 04/99 of 12th March 1999 establishing the National Commission for Human Rights as revised by Law n° 37/2002 of 31st December 2002 as revised by Law n° 30/2007 of 6th July 2007 determining the organization and functioning of the National Commission for Human Rights. Just like for the past years, the Commission's activities centred on training and sensitizing different categories of the Rwandan population on issues regarding human rights, with a view to enable them to understand further these rights and to fight for them.

What was clear in general, is that there is a satisfying stage reached by the authorities responsible for resolving problems related to the respect of human rights, because most of them made efforts to find solutions to cases reported to them and others manifested the will to solve them.

Although it is clear that the authorities continue to progressively respect the Rwandan laws and international conventions on human rights, there is yet a further step to be taken, so that respect for human rights becomes a principle in the actions and everyday life of the Rwandan population. For this reason, the Commission formulates the following recommendations to the National Higher Authorities and the Rwandan population:

- **To His Excellency the President of the Republic, the Parliament, the Supreme Court and the Government.**
- To ask the local authorities to put more efforts in ensuring security for the Genocide Survivors, the witnesses in Gacaca courts and the Rwandans in general.
- To ask concerned authorities to work out strategies for solving the problem of people who lose cases at court and yet they are too destitute to be able to pay the compensation ordered by the courts such that the winner of the case could be given his dues as ordered by the court.
- To sensitize and encourage administrative institutions to be paying compensation without delay when they lose cases in court, because this is often very difficult while implementing court decisions on cases where these institutions are the losers.
- To ask all authorities having in their attributions that of implementing court decisions to be implementing them and this, in accordance with the decisions of the courts, because once a court decision is made, it has become law.
- As the problem of raping children reaches higher and higher levels, in attempt to prevent this violence, administrative authorities and the National Police authorities should be following up such cases and this, on their own initiative; they should make investigations without delay, for there are certain parents who conceal facts.
- Scientific methods (AND) should also be used in examining the suspects and the victims of the crime so as to establish the truth.

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- To remind concerned authorities to refrain from detaining for long periods those charged with minor offences to the extent of staying in detention for much longer than the period of imprisonment they would be sentenced to, if found guilty.
 - To ask all authorities responsible for following up cases regarding loitering, particularly in Kigali City, to be careful, so as to avoid violating human rights on the grounds of solving problems caused by loitering. In this respect, those arrested should have their case files prepared so that they should not remain in detention for no reason and when necessary they should be brought to justice without delay.
 - To ask Prisons' Management to have in the detainee's file the judge's order authorizing detention of the individual, that indicating the date of his imprisonment and the time his term will end.
 - To strengthen further the program already started of providing education for children who did not have the chance of going to school earlier, so as to reduce the number of street children.
 - To establish a National Police Unit responsible for children (Police des Mineurs) and another one responsible for moral standards (Police des mœurs) with a view to ensure proper upbringing of children.
 - To ask concerned authorities to continue supporting the "neighbour's eye" program which requires every citizen to feel responsible for even the child who is not his own.
 - To provide assistance to orphanages recognized by the Government so as to ensure good living conditions for the orphan children living in those orphanages.
 - **To all the Rwandan Population**
 - To understand further the rights and duties of everyone.
 - To remain in contact with the Commission bringing to it problems and ideas regarding human rights.
 - To defend and protect their own rights and the rights of others.
 - To avoid bringing to the Commission false or unfounded issues.
 - To adopt the habit of reporting cases to the respective authorities responsible to settling them before seeking the Commission's intervention.
 - Parents should act promptly to report to the prosecution cases of rape of their children so that they could be followed up immediately.
 - Parents should not conceal those who did violence to their children by raping them.

VI. PERSPECTIVES FOR THE YEAR 2008

• Regarding Promotion of Human Rights

Regarding promotion of human rights, during the year 2008, the Commission plans to concentrate on the following major activities:

- Preparing, publishing and disseminating different documents on human rights which could serve as manuals and teaching aids in teaching and sensitizing the Rwandan population on human rights.
- Preparing and organizing seminars regarding human rights.
- Preparing and organizing workshops at national and province level.
- Sensitizing different categories of people on human rights (in schools, prisons, solidarity camps and other places,...).
- Preparing programmes on human rights that could be disseminated through the media as well as documents to reach the public.
- Commemorating Annual International Days for Human Rights.
- Follow-up and control of activities relating to training and seminars on human rights.
- Promotion of art work on human rights (drama, drawings/paintings and photographs) in primary and secondary schools.
- Dissemination of international laws and conventions on human rights.
- Publishing and distributing Commission's annual report and other special reports.
- Preparing regular meetings bringing together the Commission and institutions collaborating with it in human rights promoting activities.

• Regarding Protection of Human Rights

Activities planned in this regard are the following:

- Examining and giving advice on bills and existing laws or regulations to ensure that they are based on international principles of human rights.
- Encouraging concerned authorities to sign, ratify and integrate in internal laws, the international conventions on human rights.

- To prepare a special report on the rights of people with disability and on the right to education for helpless children, to their spokesman and to give to concerned institutions views that could help to improve their well being.
- Examining and making investigations on complaints reported to it or which it followed up on its own initiative, as well as making recommendations to authorities empowered to find solutions to these complaints.
- Following up and smoothening out operations of the Commission's volunteers at sector and district levels and those in the Unit responsible for monitoring respect for children's rights with a view to examine how human rights in general, and children's rights in particular, are respected.
- To put into action the responsibility of introducing to court anybody violating human rights.
- Following up the respect for human rights in Gacaca Courts and in Community Service, submitting reports to concerned authorities and following up implementation of recommendations made by the Commission.
- Preparing and chairing the meeting bringing together workers involved in following up respect for human rights in Gacaca Courts and in Community Service (TIG).
- Visiting detention premises and ensures that that the rights of detainees therein are respected.

- **Regarding the Commission's Capacity Building**

In the context of capacity building for the Commission, during the year 2008, the following main activities are envisaged:

- Preparing the Commission's Strategic Plan 2009-2012.
- Consolidating Commission's capacity in the area of technology.
- Preparing the Commission's programmes and projects.
- Preparing for the Commissioners and Commission's workers seminars on human rights, inside and outside the country.
- Preparing for the Commissioners and Commission's workers, study tours to the Office of the United Nations High Commissioner for Human Rights in Geneva and to National Commissions for Human Rights.
- Consolidating the Commission's Documentation Centre.
- Supporting the program of sports and leisure for the Commissioners and workers of the Commission in order to help them maintain their health and thus enable them work more vigorously.
- Renovating the Commission's multipurpose hall.

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APPENDIX

SIXTH CONFERENCE OF AFRICAN NATIONAL HUMAN RIGHTS INSTITUTIONS

Kigali, 8 - 10 October 2007

KIGALI DECLARATION

Participants at the Sixth Conference of African National Human Rights Institutions, convening in Kigali, Rwanda, from 8 to 10 October 2007 under the theme: “The role of National Human Rights Institutions in the Protection of Refugees, IDPs and Stateless Persons”, under the auspices of the National Human Rights Commission of Rwanda in cooperation with the Office of the United Nations High Commissioner for Human Rights (OHCHR), the Network of African National Human Rights Institutions, the United Nations High Commissioner for Refugees (UNHCR), United Nations Development Programme (UNDP), Brookings Institution-University of Bern Project on Internal Displacement, the Organization Internationale de la Francophonie (OIF) and the DFID,

Expressing deep appreciation to the Government and people of Rwanda for hosting the sixth conference of African national human rights institutions,

Expressing warm gratitude to the National Human Rights Commission of Rwanda for its notable organization and hosting of the Conference,

Expressing their appreciation for the presence at the Conference of the Chair of the International Coordinating Committee of National Institutions for the promotion and protection of human rights,

Noting with gratitude the continued support of the Office of the United Nations High Commissioner for Human Rights (OHCHR) towards the strengthening of the Permanent Secretariat of the Network,

Reaffirming their commitment to the Abuja Declaration of 10 November 2005 and their attachment to the values enshrined in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the African Charter on Human and Peoples’ Rights, the International Convention relating to the status of refugees (1951) and its 1967 Protocol relating to the Status of Refugees, the Convention relating to the Status of Stateless Persons (1954), the Convention on the Reduction of Statelessness (1961), the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa (1969),

Expressing with satisfaction that the Constitution of the Network has been signed,

Further expressing their satisfaction that the Permanent Secretariat of the Network is being established in Nairobi, Kenya,

Taking cognisance of the Pact on Security, Stability and Development in the Great Lakes Region,

Recalling the need for all the African National Human Rights Institutions to respect and function in full conformity with the Paris Principles as adopted by the United Nations General Assembly in its resolution 48/134 of 20 December 1993,

Recalling also that the effective promotion of and respect for human rights and fundamental freedoms require that States ratify United Nations instruments and regional instruments concerning human rights, implement them and forward periodically, in conformity with these instruments, reports to the respective monitoring committees,

Recalling the right of every person to a nationality and the right not to be arbitrarily deprived of his or her nationality as provided in the Universal Declaration of Human Rights, as well as such international instruments as the Convention on the Elimination of all Forms of Racial Discrimination, the International Covenant on Civil and Political Rights, the Convention on the Elimination on All Forms of Discrimination against Women and the Convention on the Rights of the Child;

Noting that the rights of refugees, Internally Displaced Persons (IDPs) and Stateless persons remain a concern,

Concerned that, in spite of the existence of international and regional human rights instruments, refugees continue to experience inadequate protection, and further that the rights of IDPs and Stateless persons are not adequately protected at the regional and national level,

Mindful of the critical role of African National Human Rights Institutions in promoting and protecting the rights of Refugees, IDPs and Stateless persons,

Concerned about the intractable problems of Refugees, IDPs and Stateless persons in Africa,

Affirming the obligation of States to incorporate into domestic law, international instruments relating to Refugees, IDPs and Stateless Persons,

Confirming that national human rights institutions have a crucial role in the promotion, protection and monitoring of Refugees, IDPs and Stateless persons,

Aware of the urgent need to address the above issues concerning the rights of Refugees, IDPs and Stateless persons:

Adopt:

a) Internally Displaced Persons - IDPs

With regard to Internally Displaced Persons, the conference resolves:

- To recognize the importance of accurate identification and registration of IDPs in their respective countries,

- To include issues relating to internal displacement into the work plans of National Human Rights Institutions in view of a greater recognition and full protection of all their Human Rights
- To educate and sensitise the government, the CSOs and the public on issues relating to IDPs
- To evaluate and monitor the intervention mechanisms of all actors including government, humanitarian agencies and donors,
- To network with government institutions and other national institutions to address issues of IDPs,
- To ensure the establishment of a proper legal framework and policies, consistent with UN Guiding Principles and other regional instruments such as the Pact on Security, Stability and Development in the Great Lakes Region.
- To involve all stakeholders in the development of early warning mechanisms
- To support durable solutions in the resettlement or integration of IDPs to their habitual settlements or in other places in their countries in a safe and dignified manner,
- To cooperate with the Representative of the United Nations Secretary General on the Human Rights of IDPs and the Special Rapporteur of the African Commission for Human and People's Rights on refugees and displaced persons.

b) Refugees

With regard to refugees, intervention is required for the prevention, protection and the search for durable solutions.

Prevention

The Conference resolves:

- To enhance early warning and monitoring mechanisms especially in conflict prone zones,
- To enhance the mediatory role of NIs in promoting pacific cooperation at the regional and sub-regional level in addressing refugee issues,
- To educate or to train refugees to be aware of their duties towards the host communities and their environment,
- To educate host countries to be tolerant of refugees and recognise their rights,
- To foster cordial relations between refugees and the host communities.

Protection

- To carry out advocacy on behalf of refugees,
- To urge the governments to ratify, domesticate and implement regional and international instruments regarding the rights of refugees,
- To partner with the UNHCR and other organizations to guarantee international principles relating to refugees such as the principle of *non-refoulement*,
- To ensure sustained livelihoods of refugees regarding health, education and other aspects,
- To work with governments to prevent military activities and all kind of violence including sexual violence in refugee camps,
- To strive to find durable solutions for refugees i.e. voluntary repatriation, local integration and resettlement in a third country.

c) Stateless Persons

With regard to Stateless persons, the conference resolves:

- To elaborate mechanisms to identify all stateless persons in order to understand statelessness on the continent,
- To assess the problems arising from statelessness,
- To evaluate and review existing legislations on citizenship and nationality and ensure that they do not create situations that could lead to statelessness,
- To urge their governments to establish an efficient registration mechanisms,
- To adopt measures that shall eliminate statelessness,
- To encourage and strengthen regional and international cooperation to be able to deal with the situation of statelessness

Participants at the Conference:

Welcome the support given to the Sixth Conference by OHCHR, UNHCR, the Brookings Institution-University of Bern project on Internal displacement, the Organization *Internationale de la Francophonie* and other partners;

Call for direct contributions from the African National Human Rights Institutions and continued assistance, substantive and financial, by international and regional intergovernmental organizations and other partners

Reaffirm their commitment to cooperate with the African Commission on Human and Peoples' Rights in the area of promotion and protection of the rights of refugees, IDPs and stateless persons in Africa;

Resolve to work with international and regional organizations, including the African Union, in the promotion and protection of rights of Refugees, IDPs and Stateless persons in Africa;

Agree to hold their next biannual conference in Morocco, in 2009.

Adopted in Kigali, Rwanda, on 10th October 2007