

# **RWANDA**

*Filip Reyntjens*

## **1. INTRODUCTION**

Domestic politics have been marked by five cabinet reshuffles, but above all by major shakeups in the military and security apparatus. The replacement, dismissal or retirement of several “historical” generals provoked some anxiety among the public and nervousness in army and police circles. As in the past, these changes, decided on in an opaque way within a small inner circle, are difficult to interpret and assess. At the same time, several revealing incidents showed President Kagame’s personal role in maintaining absolute control. After being re-elected unopposed as RPF chair, he unsurprisingly announced that he would be candidate for a fourth term in office at the 2024 presidential election.

Regional conflicts continued to centre around the Rwanda-backed M23 rebellion in the DRC. Military alliances there not only deepened the hostility between Rwanda and the DRC, but also re-ignited hostile relations with Burundi. The intervention of a SADC force in support of the Congolese army holds the potential for renewed unease between Rwanda and South Africa (and possibly Tanzania), as was the case in 2013. As relations with Uganda remain ambiguous, Rwanda risks increasing isolation, despite its self-assured military-economic diplomacy beyond the immediate region.

A bias inherent in this chronicle must be acknowledged. The focus on political governance at the expense of socio-economic achievements sheds insufficient light on the quality of Rwanda’s bureaucratic/technocratic governance, which is better than in most other African countries.

## **2. POLITICAL GOVERNANCE**

2023 has been a year of considerable change in both the political and military/security establishment. Frequent government reshuffles are common in Rwanda, and this year was no different. After a new Minister of Youth was appointed in March and a new Minister of Defence in June, a major reshuffle took place on 22 August. Changes occurred in the Ministries of Gender and Family Promotion, Public Service and Labour, Education, and Emergency Management. Six Ministers of State were also replaced. The Ministry of Public Investments and Privatisation, created only in July 2022, was dissolved, and its functions taken over by the Ministry of Finance and Economic Planning. Less than a month later, a new Minister of Infrastructure was appointed who replaced someone who had only been in office since early 2022. Finally,

General James Kabarebe was appointed Minister of State for Foreign Affairs in charge of Regional Cooperation on 27 September after having retired from the army on 30 August. This was the fifth reshuffle since the beginning of the year. As Kabarebe was mentioned as one of eight “Rwandan officers involved in operations in North Kivu” in the 2023 final report of the UN Group of Experts on the DRC<sup>1</sup>, his appointment in charge of regional cooperation could be seen as a provocation, but might also be understood in light of the need to have a loyal and authoritative minister in a period of domestic and regional uncertainty.

Kabarebe’s switch came after a major shakeup in the military and security apparatus. A wide-ranging changing of the guard started on 21 February when Felix Namuhoranye replaced Commissioner General Dan Munyuza as Inspector General of the Rwanda National Police (RNP). Munyuza had occupied influential positions in the security apparatus since the RPF came to power, and played a major role in the elimination of opponents, both within Rwanda and abroad. He was appointed ambassador to Egypt on August 1<sup>st</sup>. On 6 June, Lt General Mubarak Muganga replaced General Jean-Bosco Kazura as Chief of Defence Staff. Like Munyuza, Kazura had been part of the inner circle and was involved in criminal acts. The next day, Kagame dismissed generals Aloys Muganga and Francis Mutiganda along with 14 other officers from the Rwanda Defence Force (RDF). Days later, the RDF explained that Mutiganda had been sacked for “excessive drunkenness” and Mutiganda for “gross insubordination”.<sup>2</sup> On 30 August, a dozen generals, including prominent historical figures like James Kabarebe, Fred Ibingira, Charles Kayonga, Charles Karamba and Emmanuel Ndahiro, were retired along with 83 senior officers and hundreds of other military staff. On 27 September, former police chief Emmanuel Gasana<sup>3</sup> and dozens of other police officers were also retired. These many changes since the beginning of the year provoked nervousness among the public and in the military and security sector. According to inside sources, the High Command Council meeting chaired by Kagame on 15 November took place in a tense atmosphere, with Kagame reading the riot

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<sup>1</sup> United Nations, Security Council, *Final Report of the Group of Experts on the Democratic Republic of the Congo*, S/2023/431, 13 June 2023, Annex 35, p. 123.

<sup>2</sup> “RDF speaks out on dismissed Generals, rescission of contracts”, *The New Times*, 14 June 2023.

<sup>3</sup> Since 2018, Gasana had served subsequently as Southern and Eastern provinces governor. He was suspended as governor on 25 October and arrested the next day. On 7 November he was charged with soliciting and accepting illegal benefits and abusing his functions (“Suspended Governor Gasana faces two charges”, *The New Times*, 7 November 2023). Gasana is suspected of involvement in political murders during his days at the helm of the RNP.

act to the officers and publicly settling scores with some of them, Kazura in particular.<sup>4</sup>

At the RPF's national congress on 2 April, Kagame was re-elected party chairman. In line with routine, there was one bogus opponent in the person of Abdul Karim Harelimana. Kagame obtained 2,099 votes against three for Harelimana. Consolée Uwimana and Wellars Gasamagera were elected as vice president and secretary general respectively. As in the past, the chairman and the secretary general are Tutsi, while the vice president, who plays no effective role, is Hutu. Kagame's election as party chair opened the issue of whether he would stand for a fourth term at the 2024 presidential polls. As on previous occasions, he initially maintained some ambiguity, waiting for the "people's will" to express itself. Just days after the RPF congress, he "expressed his desire to step down and hand over power to a new leader", even announcing that "a succession plan is currently under active discussion within the ruling party", and calling his retirement an "inevitability". Strangely enough for someone called a "predator of press freedom" by *Reporters sans frontières*, he added that he would "join journalism in [his] old age".<sup>5</sup> By September he had changed his mind, and he used an interview with *Jeune Afrique* to announce that he would stand again: "I am happy with the confidence that the Rwandans have shown in me. I will always serve them, as much when I can. Yes, I am, indeed a candidate".<sup>6</sup>

Despite the president's confidence, events that seemed marginal at first sight showed the regime's obsession with maintaining complete control. On 9 July, an event attracted over 600 people in Kinigi sector, Musanze district, where they installed the "chief" of the Abakono clan.<sup>7</sup> Although the meeting was streamed on social media, it had gone almost unnoticed until Kagame decided it was "divisionist". As there were some government officials, party cadres, security personnel and business operators among the participants, the

<sup>4</sup> Anecdotal evidence of tensions within the RDF can be found in NCUBE, F., "'In exile but not at peace': Rwandan army deserters in South Africa", *African Identities*, Advance access online, 16 August 2023. Kazura was said to have been placed under house arrest at the time, but there was no official communication on his situation.

<sup>5</sup> "I look forward to becoming a journalist after retirement – Kagame", *Africanews*, 5 April 2023.

<sup>6</sup> "Paul Kagame: 'Le problème n'est pas entre moi et Tshisekedi, mais entre Tshisekedi et le M23'", *Jeune Afrique*, 19 September 2023; also see "Kagame goes for 4th term, potentially joining club of 'power clingers'", *The East African*, 23 September 2023. The reaction to this suggestion of "power clinging" was furious. Even Professor Phil Clark, considered rather sympathetic to the regime and quoted in the article, was called "a so-called Western influential voice" who got it all wrong. Indeed, "it's the other way round, Rwandans (are) doing the clinging" ("Joining the club of 'power clingers', my foot!", *The New Times*, 29 September 2023).

<sup>7</sup> In reality, the Rwandan historical clans had neither a chief nor an internal organisation (D'HERTEFELT, M., *Les clans du Rwanda ancien. Éléments d'ethnosociologie et d'ethnohistoire*, Tervuren, Musée royal de l'Afrique centrale, 1971).

event suddenly became “an affront to the core sensibility of the RPF”.<sup>8</sup> A number of those present resigned, others were dismissed, others still apologised.<sup>9</sup> When he finally spoke out publicly, Kagame turned what had been an anecdotal event into a major governance challenge: “The investigation found even worse cases of divisionism in this region [Northern and Western provinces]. We even have areas where sectarian groups have taken over from local governance structures”, adding that “those practices could also be prevalent in other parts of the country”. Potentially calling for a witch hunt, he stated that “it is the duty of every Rwandan to report such tendencies”.<sup>10</sup> A second anecdotal event turned into a major incident by Kagame took place in Rutsiro district in June. An annual pilgrimage attracting thousands of young people has been organised since 1954 by the Nyundo diocese to celebrate Our Lady of the Poor. During the tenth YouthConnekt meeting in August, Kagame condemned this practice, wondering how people can “worship poverty”. Showing a complete misunderstanding of the pilgrimage and the reference to the poor, he linked it to “perpetual poverty and a culture of begging for aid”, and warned: “Do not ever do that again. (...) If I ever hear about this again, (...) I will bring trucks and round them up and imprison them, and only release them when the poverty has left them”.<sup>11</sup> The warning was received loud and clear, and local authorities immediately issued guidelines on religious gatherings.<sup>12</sup>

These incidents have two features in common. First, they show the regime’s concern with initiatives taken outside the party or the state, a sign of uncertainty and the need for control.<sup>13</sup> Second, although these events were widely known to occur without causing particular unrest, only after Kagame

<sup>8</sup> RUGIRA, L., “Abakono saga— Who should be doing the RPF ideological heavy lifting?”, *The Pan African Review*, 23 August 2023.

<sup>9</sup> For instance, upon resigning his position the vice mayor of Musanze district acknowledged that “what we did was terrible, it is wrong”. The Senate vice president “asked for forgiveness and committed never again to engage in such discriminatory acts” (“Musanze vice mayor resigns over sectarian gathering”, *The New Times*, 25 July 2023). Justin Kazoza, a businessman who had been installed as the clan “chief”, “came out to apologise and denounced his newly acquired title” (“Northern Province mayors, officials fired”, *The New Times*, 9 August 2023).

<sup>10</sup> “Kagame speaks out on Abakono case, sectarianism”, *The New Times*, 25 August 2023.

<sup>11</sup> “Rwanda’s Kagame warns Catholic pilgrims who ‘worship poverty’”, Kigali, AFP, 24 August 2023; “Kagame’s warning over ‘poverty worshiping’ youth pilgrimage explained”, *The New Times*, 24 August 2023; “Cult-like practices have no place in today’s Rwanda”, *The New Times*, 25 August 2023.

<sup>12</sup> For instance, in Kamonyi district sector officials decreed that religious groups required a written permit to operate; prayer groups could only meet in church, not in homes; prayers at a nearby “sacred hill” were banned. In Musanze district, around 100 people praying “hiding” in a private compound were arrested.

<sup>13</sup> This was again anecdotally confirmed when a very detailed list of “prohibited activities” during the commemorative period *Kwibuka29* was published by the Ministry of National Unity and Civic Education (“7 prohibited activities during Kwibuka29”, *The New Times*, 3 April 2023).

had personally taken a position and called them a threat did they become a national issue and were unanimously attacked. That not a single voice publicly challenged Kagame confirms the strong personalised nature of Rwandan politics.<sup>14</sup> As mentioned in last year's chronicle, the need for the green light by Kagame himself in many fields makes policy adaptation inherently fragile and raises the question of sustainability over the longer term.<sup>15</sup>

The selective use of the national interest can also be seen in the issues of ethnic relations and the fight against hate speech. The ethnocratic nature of the Rwandan political dispensation has been discussed in my previous political chronicles.<sup>16</sup> This affects the macro level, but there is also anecdotal evidence of ethnic hate speech by both Tutsi and Hutu occurring in the private sphere. While the regime actively combats hate speech aimed at Tutsi<sup>17</sup>, this is not the case the other way round, as has lately emerged. In an X (Twitter) Space hosted at the end of August by Rwanda public television news anchor Egidie Bibio Ingabire, one of the participants, a Tutsi woman living in Canada, used explicitly racist language insulting the Hutu ethnic group as such. Discussions on social media denied that this hate speech took place or downplayed what was said. A Director General of the Ministry of National Unity and Civic Engagement in charge of guarding the RPF's truth and values refused to condemn it. Likewise, neither the regime media nor public officials mentioned the incident, and by their silence condoned what was said. While the words used were clearly punishable under Rwandan law, neither the police nor the Rwanda Investigation Bureau (RIB) showed the slightest interest. And yet, had a Hutu stated a fraction of what was said in an open X Space, he or she would have "disappeared", or been jailed. The latest official Rwanda Reconciliation Barometer claims that 94.7 per cent of the population regards the country as reconciled. The official ideology is that there are no longer Tutsi and Hutu, and that "We're all Rwandans now", an illusion cruelly contradicted on X Space.<sup>18</sup>

<sup>14</sup> This is not surprising in light of how Kagame described his fellow Rwandans in a speech to grassroots leaders during the closing ceremony of the civic education programme *itorero* on 28 March 2023. He called them "spineless", unable "to face the wrong and fight it, face a person and tell them that this is wrong". "They are submissive and easily controlled by others" (<https://www.youtube.com/watch?v=3S7bfb0maMQ>).

<sup>15</sup> ANSOMS, A., AOUN, E., CHEMOUNI, B., NIYONKURU, R. C., WILLIAMS, T. P., "The politics of policymaking in Rwanda: adaptation and reform in agriculture, energy, and education", *Journal of Eastern African Studies*, Vol. 16, No. 2, 2022, pp. 205-227.

<sup>16</sup> A recent analysis can be found in REYNTJENS, F., "Rwanda: Ethnic amnesia as a cover for ethnocracy, and why this is dangerous", *The Africa Governance Papers*, Vol. 1, No. 3, 2023, pp. 210-220.

<sup>17</sup> For instance, "Rwanda urges UN to confront misinformation, hate speech", *The New Times*, 23 October 2023; "Hate speech is a monster we must confront head on", *The New Times*, 24 October 2023.

<sup>18</sup> For a more detailed treatment of this incident, see REYNTJENS, F., "Rwanda's hidden ethnic hatred is again coming out in the open", *Daily Maverick*, 12 December 2023.

In a similar vein, recent research found that despite the state's attempts to eliminate a vocabulary of difference, ordinary people use everyday engagements to critique this overarching demand for unity.<sup>19</sup> A study found that, regardless of ethnic affiliation, Rwandans claim "racialised" victimhood, and that there is no shared collective narrative of violence. "Yesterday's time of racial violence is still part of the present and perhaps the future".<sup>20</sup> Another study learned that young inhabitants of Kigali must enact *ubunyarwanda* (Rwandaness) in public and even semi-public spaces, while their stance is more critical in the private sphere. Many members of "Talented Youth United" (TYU), one of many state-sponsored youth organisations and school clubs, only endorsed *ubunyarwanda* as a way of empowering the RPF and shoring up their own socio-economic position.<sup>21</sup>

International criticism of Rwanda's political governance has not abated. As will be seen later, the saga of the UK-Rwanda migration deal was an occasion to highlight the country's poor human rights and democracy records. However, international opinion was kept aware of this problematic situation throughout the year.<sup>22</sup> International rankings have continued to confirm this. In the Freedom House 2023 ranking, Rwanda features in the "Not free" category with a total score of 23/100 (political rights 8/40, civil liberties 15/60). In the Economist Democracy Index it ranks 126<sup>th</sup> out of 167 globally and 29<sup>th</sup> out of 44 in Sub-Saharan Africa.

### 3. SOCIO-ECONOMIC GOVERNANCE

Rwanda's contradiction between good bureaucratic/technocratic management and flawed political governance remains striking and potentially destabilising. This was well summarised by Phil Clark, considered rather sympathetic to the regime. Referring to "illiberal welfare", he noted substan

<sup>19</sup> BOGNITZ, S., "Dispute as critique: Moving beyond 'post-genocide Rwanda'", *Anthropological Theory*, Vol. 23, No. 4, 2023, pp. 386-403.

<sup>20</sup> NSABIMANA, N., "Genocide-time: Political violence reckoning in Rwanda", *American Anthropologist*, Vol. 125, 2023, pp. 761-770.

<sup>21</sup> BERMAN, Z.E., "Ubunyarwanda and the Evolution of Transitional Justice in Post-Genocide Rwanda: 'To Generalize is not Fresh'", *African Studies Review*, Vol. 66, No. 3, 2023, pp. 777-800.

<sup>22</sup> Some examples: MHAKA, T., "Kagame's achievements should not blind us to his tyranny", *AlJazeera*, Opinions, 9 February 2023; SUNDARAM, A., "Reducing Rwanda to tyranny", *The New York Times*, 12 April 2023; LECLERCQ, H., "Rwanda: Paul Kagame, le président prêt à tout pour le pouvoir", *La Libre Belgique*, 2 May 2023; WEERDESTIJN, M., "Rwanda: Paul Kagame is a dictator who clings to power but it's not just for his own gain", *The Conversation*, 21 June 2023; MHAKA, T., "Democracy in Africa is not a Western imposition", *AlJazeera*, Opinions, 25 October 2023.

tial socio-economic progress in a highly repressive political environment, and feared that “state repression undermines some of those gains”.<sup>23</sup>

The regime continues to display vision and ambition. Kigali must become Africa’s financial centre, top smart city and AI research hub. The Masaka area must become a “medical city”. In addition to hotels, supermarkets, recreation sites and conference centres, it is planned to include the surgical research and training centre IRCAD Africa, a new university teaching hospital, a heart care centre, the Rwanda Biomedical Centre (RBC) and Food and Drug Authority (FDA) laboratories, the headquarters of the University of Global Health Equity and a Centre for Infectious Diseases and Isolation.<sup>24</sup> In December, German vaccine producer BioNTech unveiled its first African production site in Kigali Special Economic Zone, in a section earmarked for biopharma manufacturing.<sup>25</sup> Several other “cities” are planned in Kigali.<sup>26</sup>

In addition to being a medical hub, Kigali also has the ambition of becoming a sports hub, which is seen as an economic opportunity.<sup>27</sup> An agreement between the Basketball Africa League (BAL) and the Rwanda Development Board (RDB) provided for continental games to be played in the BK Arena in Kigali. In August, a partnership was announced for the construction of the Zaria Court in the planned Kigali Sports City. It is to include a hospitality club with a hotel, restaurants, fitness centres, a multipurpose court and much more.<sup>28</sup> The first African country to organise this major event, Rwanda will host the 2025 cycling world championship, “highlighting its determination to become a sporting destination” and “underlining Africa’s emergence as a contender in international sporting events”.<sup>29</sup> While the return on investment in sports and the sponsoring of major (and rich) European soccer clubs in the broader promotion of tourism appears real<sup>30</sup>, this is also a case of “sports-

<sup>23</sup> Flinders University, announcement of a seminar on “Tackling Inequality, Pursuing Reconciliation: Illiberal Welfare in Post-Genocide Rwanda”, presented by Professor Phil Clark on 6 October 2023.

<sup>24</sup> “Masaka: Kigali’s emerging ‘medical city’”, *The New Times*, 18 October 2023.

<sup>25</sup> “Rwanda unveils BioNTech’s first vaccine manufacturing plant in Africa”, *The New Times*; 18 December 2023. On the same day, a host agreement was signed for the African Pharmaceutical Technology Foundation (“Rwanda signs host agreement for African pharmaceutical foundation”, *The New Times*, 18 December 2023).

<sup>26</sup> “The future and the world coming to Rwanda”, *The New Times*, 10 October 2023.

<sup>27</sup> “Calling it wasted money won’t deter Rwanda from demanding its share of the \$500 billion global sports industry”, *The New Times*, 15 March 2023; “Do you still think the BK Arena is a white elephant?”, *The New Times*, 16 August 2023; “Don’t forget the intangibles: Rwanda’s partnership with Arsenal, PSG, and now, FC Bayern Munich”, *The New Times*, 12 September 2023.

<sup>28</sup> “Rwanda Sports City: 10 things about Zaria Court”, *The New Times*, 15 August 2023.

<sup>29</sup> “Rwanda 2025 Road World Champs: The nation’s growing status as a sporting hub”, *The New Times*, 18 October 2023.

<sup>30</sup> “Rwanda’s European club sponsorships: Assessing the return on investment”, *The New Times*, 28 August 2023.

washing”. The latest sponsorship deal with Bayern Munich, after those with Arsenal and PSG, was criticised as a “campaign aimed at cleansing the reputation of abusive governments”.<sup>31</sup>

Other ambitious projects were unveiled during the year. Rwanda eyed US\$3bn in new investments in 2023 in sectors like manufacturing, agro-processing, construction, ICT and mining, in addition to tourism. Nearly 80 per cent of this was announced for Kigali.<sup>32</sup> Three districts in the Southern province sought a contractor for a five-star hotel and a golf course, but the sources of funding were unclear.<sup>33</sup> A US\$68m “Inzovu Mall” is planned for completion in September 2025, and will include a hotel, offices, retail, restaurants, conference rooms and leisure facilities.<sup>34</sup> Plans were also unveiled for a US\$53m aviation training centre financed by the African Development Bank (AfDB).<sup>35</sup> The next investment announced was the setting up by Oracle of cloud computing infrastructure within the Kigali Innovation City.<sup>36</sup> Rwanda finally confirmed its ambitions in the nuclear field. The Rwanda Atomic Energy Board (RAEB) signed a partnership agreement with the German-Canadian Dual Fluid Energy Ltd. As that company was only founded in 2021 and the dual fluid demo reactor to be built will use a new type of technology never used anywhere in the world, this deal did not seem to be without risk. The RAEB CEO, however, assured that the technology “has nuclear safety design features that make it accident-free”. The demonstration nuclear reactor is expected to be operational by 2026, and the subsequent testing of the dual fluid technology is to be completed by 2028.<sup>37</sup>

Not surprisingly in such a wide-ranging ambitious context, not all projects deliver the intended results. Announcements are sometimes made with fanfare, but the outcomes do not always follow. In 2015, the launch of Positivo BGH, a South American electronic device manufacturing company specialising in computers, generated high expectations. However, eight years later, the company’s activities are at a standstill. Projects remain unrealised, and with the expiry of the contract with the Rwandan government, uncertainty

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<sup>31</sup> “Bayern Munich deny ‘sportswashing’ with Rwandan sponsorship”, *ESPN News Services*, 7 September 2023; “‘Wasted Money’: Rwanda Splurges on Sports Despite Criticism”, *Citizen Digital*, 14 March 2023. Interestingly, Rwanda replaced a previous deal of Bayern Munich with Qatar, while PSG is also backed by Qatar, a rogue state with which Rwanda maintains close links, including in the security and aviation sectors..

<sup>32</sup> “Rwanda eyes \$3bn in new investments in 2023”, *The New Times*, 8 May 2023.

<sup>33</sup> “Districts partner to build Rwf30bn hotel, golf course”, *The New Times*, 20 July 2023.

<sup>34</sup> “Inside the multi-billion Inzovu Mall”, *The New Times*, 19 September 2023.

<sup>35</sup> “Rwanda’s proposed \$53m aviation training centre: What you need to know”, *The New Times*, 3 October 2023.

<sup>36</sup> “Global tech company to set up cloud computing operations in Rwanda”, *The New Times*, 24 October 2023.

<sup>37</sup> “Rwanda to host first demo Dual Fluid nuclear reactor”, *The New Times*, 12 September 2023; “Inside Rwanda’s Rwf90 billion nuclear energy deal”, *The New Times*, 12 September 2023.



surrounds Positivo's future in the country.<sup>38</sup> A Volkswagen "assembly plant" (which was in reality a showroom with a workshop) inaugurated by Kagame in 2018 has not produced a single car. As the Rwandan market is simply too small, an "assembly plant" for the production of cars by Chinese company Dongfeng may well suffer the same fate.<sup>39</sup> The Mara smartphone plant launched in 2019 has yet to produce its first handset. It "temporarily suspended" production operations in 2022.<sup>40</sup> As mentioned in previous chronicles, several infrastructure projects have stalled at great cost for technical or financial reasons. For instance, the construction of the Base-Butaro-Kidaho road and ten technical vocational education and training (TVET) centres of excellence came to a halt in 2023.<sup>41</sup>

Attempts were made to address public management malfunctions. Both the Ombudsperson and the Auditor General assumed their watchdog functions in an independent fashion. In his annual report presented to a joint session of parliament, the Auditor General mentioned several public entities that stand to lose billions of Rfr in court cases.<sup>42</sup> Also reporting to a joint Upper and Lower House sitting, the Ombudsperson drew attention to cases of corruption, land related disputes and alleged injustice in court proceedings.<sup>43</sup>

#### 4. JUSTICE

Though the case against Paul Rusesabagina came to an end judicially when the Court of Appeal upheld his 25-year jail sentence in April 2022, politically speaking the affair was far from over. Internationally, the reputational fallout for Rwanda was considerable, and many were those around the world insisting on Rusesabagina's release. But Kagame suggested that only an invasion of his country could force his hand. "We've made it clear there isn't anyone going to come from anywhere to bully us into something to do with our lives", he said in response to a question about US Secretary of State Blinken's appeals for Rusesabagina's freedom.<sup>44</sup> Four months later Rusesabagina was released after intense pressure from the US, where he is a legal resident,

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<sup>38</sup> "Uncertainty looms over Positivo's future operations in Rwanda", *Igihe*, 13 November 2023.

<sup>39</sup> "Chinese motor company mulls car assembling plant in Rwanda", *The New Times*, 19 November 2023.

<sup>40</sup> "Rwanda: Mara Phones Suspends Operations as Firm Mulls New Smartphone Model", *The New Times*, 15 July 2022.

<sup>41</sup> "'Unrealistic' India Exim Bank deal: What next after projects stall?", *The New Times*, 24 May 2023.

<sup>42</sup> "AG names public entities that could lose tens of billions in court battles", *The New Times*, 3 May 2023.

<sup>43</sup> "Five key highlights from Ombudsman's annual report", *The New Times*, 19 October 2023.

<sup>44</sup> "Rwanda's president says the United States can't 'bully' him into releasing a political opponent", *The New York Times*, 14 December 2022.

relayed through the Qatari diplomatic machine.<sup>45</sup> In reality, the role of Qatar was a mere fig leaf providing Kagame with a way of saving face.<sup>46</sup>

Rwanda has the second highest number of prisoners in the world after El Salvador.<sup>47</sup> This is no longer because of the high number of genocide convicts. It is unclear what explains the huge total of about 89,000 inmates in the country's 13 correctional facilities, an increase of around 4,000 compared to 2022.<sup>48</sup> A decrease does not seem to be in sight, as the prison population grew by 13,000 between June and October 2023. The Justice Minister proposed a paradoxical explanation for this dramatic situation, due according to him to "increased trust in the justice system which makes people report cases often", meaning that "almost each and every crime is reported which is not a bad thing by the way". He did not seem to realise that too many people are given prison sentences for petty offenses. According to the 2022-2023 judicial report, petty theft was among the top three crimes in Rwanda, with 9,979 cases dealt with by courts between June 2022 and 2023.<sup>49</sup> In addition, around 12,500 prisoners are on pre-trial detention.<sup>50</sup> It doesn't require rocket science to realise that at least part of the explanation for prison overpopulation is the high percentage of both pre-trial detention and the imposition of jail sentences for petty offenses, as well as possibly too long prison sentences on the statute book. With some political will these issues should be easy to remedy.

Thirty years after the genocide, international justice is nearing the end of its involvement. The Kabuga case pending before the International Residual Mechanism for Criminal Tribunals (IRMCT) ended disappointingly. On 6 June, the Trial Chamber found, by majority, that Félicien Kabuga, who was diagnosed with clinical dementia, was not fit to stand trial, a decision appealed by the Prosecution. On 7 August, the Appeals Chamber unanimously dismissed the appeal. It recognised that the decision was disappointing for the victims and survivors, but noted that "justice can be delivered only by holding trials that are fair and conducted with full respect for the rights of

<sup>45</sup> "Rwanda frees Paul Rusesabagina, inspiration for 'Hotel Rwanda', U.S. say", *The Washington Post*, 24 March 2023; "L'opposant Rusesabagina, héros du film 'Hôtel Rwanda', libéré", *AFP*, 24 March 2023.

<sup>46</sup> "Kigali frees 'Hotel Rwanda' hero to assuage Washington", *Africa Confidential*, 30 March 2023.

<sup>47</sup> According to Statista 2023 <https://www.statista.com/statistics/262962/countries-with-the-most-prisoners-per-100-000-inhabitants/>. The high incarceration rate in El Salvador is conjunctural, due to the recent massive war against the drug cartels. According to the *World Prison Brief*, Rwanda ranks third after El Salvador and Cuba ([https://www.prisonstudies.org/highest-to-lowest/prison\\_population\\_rate?field\\_region\\_taxonomy\\_tid=All](https://www.prisonstudies.org/highest-to-lowest/prison_population_rate?field_region_taxonomy_tid=All)).

<sup>48</sup> "Prison population on the rise despite decongestion efforts", *The New Times*, 25 August 2023.

<sup>49</sup> "Justice Minister explains rising number of people sent to prison", *The New Times*, 15 November 2023.

<sup>50</sup> "Prison population on the rise...", *op. cit.*

the accused”.<sup>51</sup> In Rwanda, reactions to this outcome were understandably marked by outrage.<sup>52</sup> After the arrest in May of Fulgence Kayishema in South Africa, only three outstanding fugitives remain.<sup>53</sup> As his case was transferred to Rwanda, Kayishema will eventually be extradited there after preliminary proceedings in Arusha.<sup>54</sup>

Two other international judicial developments may potentially be threatening for the current Rwandan regime. On 23 May, the DRC formally seized the International Criminal Court (ICC) for crimes committed by the RDF and the M23 rebel movement (see *infra*). On June 1<sup>st</sup>, the Congolese government and the ICC Prosecutor signed a cooperation protocol. In a new referral, the DRC requested that the court initiate an investigation into alleged crimes under the Rome Statute committed in North Kivu from January 1<sup>st</sup>, 2022.<sup>55</sup> A second threat originated in France, where former Congolese warlord Roger Lumbala was indicted on 6 November for crimes against humanity committed in the DRC in 2002 and 2003. This is the first judicial application of the 2010 UN Mapping Report, in which the Rwandan army (RPA at the time, the current RDF), along with other entities, is accused of violations of international humanitarian law. Rwanda has always attempted to discredit the Mapping Report and those, like 2018 Nobel Laureate Dr. Denis Mukwege, calling for its implementation. That it is now the base of a formal indictment makes the threat that the past may catch up with the RPF real again. This fear was suggested by a media outlet close to the regime which contended that the Mapping Report was based on “anonymous sources, hearsays, unidentified investiga-

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<sup>51</sup> “The Appeals Chamber of the International Residual Mechanism for Criminal Tribunals delivers its decision in the Kabuga case”, Press release, Arusha, 7 August 2023.

<sup>52</sup> “Neither victim nor perpetrator? Kabuga’s ‘trial’ at The Hague is a disgrace for us all”, *The New Times*, 14 June 2023; “Decision in Kabuga case is a travesty of international justice”, *The New Times*, 9 August 2023; “The Kabuga ruling is proof that we are fundamentally on our own”, *The New Times*, 9 August 2023; “Suspending Kabuga trial a slap in the face of Genocide survivors – Envoy”, *The New Times*, 18 October 2023.

<sup>53</sup> “ICTR Fugitive Fulgence Kayishema arrested”, Press release, Arusha and The Hague, 25 May 2023. The fate of one of these remaining fugitives, Aloys Ndimbati, is strange. According to the Prosecutor, he returned to Rwanda from the DRC in June 1997, and he died at the end of that month in current Kirehe district (“Genocide fugitive Aloys Ndimbati confirmed dead”, *The New Times*, 14 November 2023). According to sources claiming personal knowledge of this case, Ndimbati was arrested upon his return to the country and “disappeared”. Rwanda kept him on the list of fugitives and the ICTR continued to commit resources searching for him. If this is the case, this would be hypocritical, as Rwanda often complains about genocide suspects living in other countries unhindered, and thus escaping prosecution.

<sup>54</sup> “Genocide fugitive Kayishema re-arrested, to be transferred to Arusha”, *The New Times*, 16 August 2023.

<sup>55</sup> “Statement of the Prosecutor of the International Criminal Court, Karim A.A. Khan KC, on the referral by the Democratic Republic of the Congo regarding the situation in its territory”, 15 June 2023; Human Rights Watch, *Democratic Republic of Congo Wants More from ICC. New International Criminal Court Referral Reminder that Court’s Work Isn’t Done*, 23 June 2023.

tors, and witnesses who lack credibility” and used a “flawed methodology”.<sup>56</sup>

The genocide continued to have a fallout in third countries. In application of the principles of universal jurisdiction, the Paris assize court condemned former *Gendarmerie* (national police) officer Philippe Hategekimana to life in prison on 28 June and medical doctor Sosthène Munyemana to a 24 years jail sentence on 20 December. Both appealed the verdict. Former prefect Pierre Kayondo was arrested and charged in September. These judicial developments were received with arrogance in Rwandan regime circles and interpreted as a sign of improved political relations between the two countries.<sup>57</sup>

The polarisation surrounding Rwanda in France continued unabated, as will be discussed later. In the judicial field it led to a barrage of civil suits for defamation. *Libération* journalist Maria Malardis was acquitted in March after calling a Rwandan living in France “an African nazi”. Journalists of *Radio France* and the newspaper *La Croix* were acquitted in May after accusing an employee of a private contractor working for the French army in the then Zaire of having supplied weapons to the defeated government army *Forces armées rwandaises* (FAR) in 1994. In July, former *Médecins du monde* worker Annie Faure was acquitted for having accused former General Secretary at the *Elysée* Hubert Védrine of having allowed arms supplies and protected *génocidaires*. While the court ruled that the accusations were indeed defamatory, it accepted Faure’s good faith and considered that her words were covered by her freedom of expression. Védrine also sued journalist Patrick de Saint-Exupéry for defamation in his book *La Traversée*. This case will be argued in early 2024. In line with the judgment in the Polony case last year<sup>58</sup>, these outcomes show that the French courts tend to place a high premium on freedom of speech, sometimes at the expense of reputational damage.

The genocide continues to occupy judicial systems elsewhere as well. In June, the Dutch Supreme Court (*Hoge Raad*) confirmed the decision of a lower court that Pierre-Claver Karangwa could not be extradited to Rwanda because of fair trial concerns. However, in application of the principle *aut dedere aut judicare* (extradite or judge) and in order to avoid the so-called impunity gap, Karangwa was re-arrested in October for trial in The Netherlands. Also in The Netherlands, controversy arose over the reliability of witness statements used in the trial of Joseph Mpambara who was sentenced to life in prison in 2011. A procedure before the *Adviescommissie Afgelopen Straffzaken* (ACAS - Advisory Commission on past criminal cases) will decide whether a

<sup>56</sup> “Plan to resurrect ‘UN Mapping Report’, a dangerous conspiracy against Rwanda”, *The Great Lakes Eye*, 27 June 2023.

<sup>57</sup> “French judiciary is finally getting it, but the journey is still long”, *The New Times*, 29 June 2023.

<sup>58</sup> In May 2023, the Paris court of appeal confirmed last year’s ruling that Polony’s words “did not amount to a denial of the crime of genocide” (“Natacha Polony n’a pas contesté le génocide au Rwanda, juge la cour d’appel de Paris”, *AFP*, 11 May 2023).

retrial is necessary.<sup>59</sup>

Like some other countries, Belgium does not extradite suspects to Rwanda. Several were tried over the years by the Brussels assize court. On 22 December, Séraphin Twahirwa was sentenced to life in prison, while Pierre Basabose, who was not present during the proceedings because of senile dementia, was confined to internment on medical grounds. The impunity gap remains to be addressed in the UK, where the extradition of five suspects was refused in 2017 after a lengthy procedure, while there do not appear to be concrete plans to try them in a British court.

## 5. HUMAN RIGHTS

As in previous years, the US Department of State issued a severe report on the human rights situation. Its summary read: “Significant human rights issues included credible reports of: unlawful or arbitrary killings; torture or cruel, inhuman, or degrading treatment or punishment by the government; harsh and life-threatening prison conditions; arbitrary detention; political prisoners or detainees; transnational repression against individuals located outside the country, including killings, kidnappings, and violence; arbitrary or unlawful interference with privacy; serious restrictions on free expression and media, including threats of violence against journalists, unjustified arrests or prosecutions of journalists, and censorship; serious restrictions on internet freedom; substantial interference with the freedom of peaceful assembly and freedom of association, including overly restrictive laws on the organization, funding, or operation of nongovernmental and civil society organizations; serious and unreasonable restrictions on political participation; and serious government restrictions on or harassment of domestic and international human rights organizations”.<sup>60</sup>

Human Rights Watch was no less severe. It noted that “[t]he ruling Rwandan Patriotic Front (RPF) party continued to wage a campaign against real and perceived opponents of the government. Critics, including internet bloggers and journalists, were arrested, threatened, and put on trial. Some said they were tortured in detention. The authorities rarely investigated enforced disappearances or suspicious deaths. Arbitrary detention and ill-treatment in unofficial detention facilities were common, especially around high-profile visits or large international events. (...) Political space in Rwanda remains closed. Opposition parties face administrative obstacles to registration and political pressure to toe the government line. Over a dozen political opposition

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<sup>59</sup> “Liegen over een moordpartij”, *De Groene Amsterdammer*, 29 July 2023; “Nederland gaf Joseph Mpambara levenslang voor zijn rol in de Rwandese genocide. Maar waren de getuigen betrouwbaar?”, *NRC*, 22 September 2023.

<sup>60</sup> United States, Department of State, *2022 Country Reports on Human Rights Practices*, 20 March 2023, Rwanda.

members are in prison. In many cases, they are being prosecuted or have been convicted on spurious grounds”.<sup>61</sup>

Freedom of expression and of the media remained very constrained. On 18 January, John Williams Ntwali, a rare critical investigative journalist and editor of *The Chronicles* newspaper, died in a traffic accident. International reactions pointed at the suspicious circumstances of his death and insisted on the need for an independent investigation.<sup>62</sup> A trial that reportedly took place on 31 January behind closed doors was widely seen as a flimsy cover-up attempt.<sup>63</sup> The regime refused to offer any clarification, and, six months after Ntwali's death, Human Rights Watch could only lament that no effective investigation had taken place, but insisted on the international responsibility “to ensure this case is not forgotten”: “It is not too late for Rwanda's partners, including the Commonwealth, which Rwanda currently chairs, to speak up for the rights of journalists and call for a credible and transparent investigation”.<sup>64</sup> No such thing happened, and the Ntwali affair quietly left the agenda. Later during the year, several journalists and YouTube channel owners were arrested. They received little support from the nominally independent Rwanda Media Commission (RMC), which “urged media practitioners to adhere to media laws and ethical standards, recognizing that freedom of expression is not without limitations”.<sup>65</sup> Rwanda ranks 131<sup>st</sup> out of a total of 180 countries on the Reporters Without Borders *2023 World Press Freedom Index*.

<sup>61</sup> Human Rights Watch, *World Report 2023*, Rwanda. Events of 2022.

<sup>62</sup> For instance Human Rights Watch, *Rwanda: Suspicious Death of an Investigative Journalist*, Nairobi, 20 January 2023; “John Williams Ntwali, one of Rwanda's last independent journalists, dies in mysterious accident”, *The Globe and Mail*, 20 January 2023; Fédération internationale pour les droits humains, *Rwanda: appel à l'ouverture d'une enquête indépendante sur la mort du journaliste John Williams Ntwali*, Paris and Geneva, 24 January 2023; Committee to Protect Journalists, *CPJ calls for credible investigation into death of Rwandan journalist John Williams Ntwali*, Nairobi, 26 January 2023; “Rwanda: Ensure Independent Investigation into John Williams Ntwali's death. Joint Statement by 90 Civil Society Organizations and Press Associations”, 31 January 2023. After USAID Administrator and former US Permanent Representative to the United Nations Samantha Power made a similar appeal on Twitter (as it then was) on 22 January, she was viciously attacked by the pro-regime press and told to “[j]ust leave Rwandans alone. Avoid interfering with their system and choices. They will be well” (“Open letter to Samantha Power”, *The Great Lakes Eye*, 30 January 2023).

<sup>63</sup> Human Rights Watch, *No Clarity Over Journalist's Death in Rwanda*, 9 February 2023; “Rwanda: RSF dénonce une enquête ‘opaque’ après la mort d'un journaliste critique du régime”, *Le Monde*, 11 February 2023; Human Rights Watch, *Rwanda: Questionable Trial after Journalist's Death. 86 Organizations Reiterate Call for an Independent Investigation*, 15 March 2023.

<sup>64</sup> Human Rights Watch, *Questions Remain Over Rwandan Journalist's Suspicious Death. Six Months Later, Still No Effective Investigation into John Williams Ntwali's Death*, 18 July 2023.

<sup>65</sup> “Media self-regulatory body speaks out on journalists' arrest”, *The New Times*, 18 October 2023. Also see “Social media: What content can land you in jail?”, *The New Times*, 16 August 2023.

Political repression extends well beyond Rwanda's borders. After Freedom House published a report on transnational repression in 2021, Human Rights Watch issued a thorough investigation on widespread practices of extraterritorial repression under the form of control, surveillance and intimidation of refugee and diaspora communities and others abroad. The report documented over a dozen cases of killings, (attempted) kidnappings, judicial mechanisms, and extradition requests to seek deportations of critics or dissidents back to Rwanda. In many cases, relatives in Rwanda were themselves targeted, thus effectively reducing many to silence. Creating a "hostile international opinion" of the Rwandan government is a criminal offense used to intimidate and silence critics in Rwanda and abroad. Apart from intelligence agencies, a major role is played by Rwandan embassy officials and members of the Rwandan Community Abroad (RCA), a global network of diaspora associations tied to the Ministry of Foreign Affairs.<sup>66</sup> The reactions in the regime-leaning press to the report were predictably furious. It was "a continuation of HRW's three-decade recycled anti-Rwanda conspiracy"<sup>67</sup>, the organisation's discourse is "systematically biased in favour of unrepentant Hutu Power political forces"<sup>68</sup>, Human Rights Watch "continues publishing fabricated reports aimed at smearing the Rwandan government and its institutions"<sup>69</sup>, and "is not a human rights organization; it is merely a political tool, and an ugly one at that".<sup>70</sup> Other forms of repression are less violent, and aim at the silencing or intimidation of voices considered hostile.<sup>71</sup>

## 6. REGIONAL RELATIONS

The proxy war of weapons and the direct war of words between Rwanda and the DRC has not abated. The war of words involved reciprocal provocations. Rwandan Foreign Minister Biruta warned that Rwanda was ready to protect its sovereignty, but would not be brought into the war by Congolese

<sup>66</sup> Human Rights Watch, "Join Us or Die". *Rwanda's Extraterritorial Repression*, October 2023, 115 pp.

<sup>67</sup> "Inside upcoming HRW report on Rwanda and the politics behind it", *The New Times*, 8 October 2023.

<sup>68</sup> "Of Human Rights Watch unrelenting conspiracy against Rwanda", *The Great Lakes Eye*, 9 October 2023.

<sup>69</sup> "Which type of sources does HRW rely on for information on Rwanda?", *The Great Lakes Eye*, 12 October 2023.

<sup>70</sup> "Without a leg to stand on, Human Rights Watch still insists on punching down on Rwanda", *The New Times*, 21 October 2023.

<sup>71</sup> One example is the attempts to prevent the presentation of the French translation of Michela Wrong's book *Do not disturb (Rwanda: Assassins sans frontières. Enquête sur le régime Kagame*, Paris, Max Milo, 2023). In both Paris and Brussels, venue owners were threatened, and the events had to be rescheduled (for one such incident, see WRONG, M., "Comment le Rwanda de Paul Kagame tente d'imposer sa vision jusqu'en Belgique", *Marianne*, 9 June 2023).

provocations.<sup>72</sup> In an interview with *Jeune Afrique*, Kagame stated that Rwanda could not be made the scapegoat of Congolese leaders.<sup>73</sup> In his 30 January address to the diplomatic corps Tshisekedi accused Rwanda of aggression for “economic and hegemonic purposes”. While accusing the United States of undermining regional peace initiatives “by continuing to endorse the DRC Government’s false narrative blaming Rwanda for the crisis”, the Rwandan government stated it could not “accept for Rwanda’s security concerns to be trivialised and ignored”, and announced the reinforcement of border security.<sup>74</sup> A new polemic erupted after Kagame blamed colonial borders for the problems in the region, and seemed to suggest that parts of eastern Congo and south-eastern Uganda belonged historically to Rwanda.<sup>75</sup> Congolese fears of so-called “Balkanisation” are frequently rekindled by separatist suggestions in Kigali.<sup>76</sup> Another token of hostile relations emerged when the Secretary General of the *Organisation internationale de la Francophonie* (OIF), former Rwandan Foreign Minister Louise Mushikiwabo, did not attend the 9<sup>th</sup> Francophone Games held in Kinshasa from 28 July to 6 August. It was unclear whether she was not invited or refused to assist.<sup>77</sup>

Hostile verbal exchanges continued throughout the year against the background of continuing war between the M23 rebels supported by Rwanda and the Congolese army FARDC assisted by several abusive non-state groups. Civilians were the main victims as hardly a week passed without dozens of wounded or killed, and many more displaced. Human Rights Watch again warned Rwanda that its continued military support for the M23 could implicate it in M23 abuses as a matter of state responsibility, and that Rwandan officials could be found complicit in M23 war crimes. The organisation also requested the Congolese government to investigate and prosecute alleged war crimes committed by its side, including ethnic violence and reprisals against

<sup>72</sup> “Rwanda ready to protect its sovereignty – Foreign Minister”, *The New Times*, 27 January 2023.

<sup>73</sup> “Paul Kagame: ‘Je n’accepte pas que le Rwanda soit le bouc émissaire des dirigeants congolais’”, *Jeune Afrique*, 27 January 2023. A translation of this interview was published as “Kagame: ‘Congo leaders cannot make Rwanda the scapegoat’”, *The New Times*, 30 January 2023.

<sup>74</sup> Republic of Rwanda, Office of the Government Spokesperson, “Rwanda Hails Outcomes of AU Meetings, Reinforces Border Security”, Kigali, 27 February 2023.

<sup>75</sup> “Une nouvelle polémique entre Kigali et Kinshasa après des propos du président Kagame”, *La Libre Belgique*, 21 April 2023. An excellent analysis of the notion of historical borders can be found in MATHYS, G., “Lines through the lake: Why the Congo-Rwanda border can’t be redrawn”, *African Arguments*, 2 May 2023.

<sup>76</sup> For instance “Would DR Congo’s Kinyarwanda-speaking communities be better off with a homeland of their own?”, *The New Times*, 19 October 2023; “Memo to Tshisekedi: you can never defeat a people that fight for a homeland”, *The New Times*, 12 November 2023.

<sup>77</sup> “En RDC, des jeux de la francophonie sans la secrétaire générale de l’OIF”, *Le Monde*, 27 July 2023.



the Tutsi community.<sup>78</sup> There were media reports of the massacre of numerous civilians in and around Kishishe by M23 in late November 2022 when the area became accessible after the rebels' retreat.<sup>79</sup> In the meantime, Rwanda continued to smuggle vast amounts of Congolese strategic minerals channelled into international markets.<sup>80</sup> It also profits by facilitating Congolese or international smuggling and re-exports.

The East African force EACRF deployed since the end of 2022 has not made much of a difference. Controversy about its mandate arose from the beginning, with the Congolese government demanding that the force targets the M23, and accused it of "inaction".<sup>81</sup> The situation was further complicated in May, when SADC, of which the DRC is a member, decided to deploy its own force. This awoke unpleasant memories for Rwanda, as a SADC intervention stopped the Rwanda-backed RCD rebellion in 1998-2000 and the Force Intervention Brigade (FIB) made up of South African, Tanzanian and Malawian troops defeated the M23 in 2013. The reaction in Kigali was predictably negative<sup>82</sup>, but the SADC deployment accord was signed on 17 November.

Back in 2013, international reactions to Rwanda's support for the M23 were severe. Strong political pressure, the suspension of aid and the military muscle of the FIB forced Rwanda to back off and led to the collapse of the rebel group, but Western powers have been less outspoken this time round. True, on 4 January the US State Department welcomed the December 2022 midterm report of the UN Group of Experts: "Noting the report's clear evidence of Rwandan support to M23 and credible reports of grave human rights abuses by M23, we reiterate our call for Rwanda to cease all support to M23 and withdraw its troops from eastern DRC". It also denounced the collaborati-

<sup>78</sup> Human Rights Watch, *DR Congo: Atrocities by Rwanda-Backed M23 Rebels. Abuses by M23, Militias aided by Congolese Army Foment Ethnic Violence in North Kivu*, 6 February 2023.

<sup>79</sup> See for instance Amnesty International, *DR Congo: Rwandan-backed M23 rebels perpetrating summary killings and rapes*, 17 February 2023; "Massacre de Kishishe: après le départ du M23, des cadavres et des fosses communes", *AFP*, 11 April 2023; Human Rights Watch, *DR Congo: Killings, Rapes by Rwanda-Backed M23 Rebels*, 13 June 2023; Human Rights Watch, *DR Congo: Mass Graves Tied to Rwanda-Backed M23*, 14 June 2023.

<sup>80</sup> REVER, J., "Rwanda is the 'Wild West' and should be removed from the mineral supply chain", *Canadian Dimension*, 25 September 2023. This article documents the use of "dummy mines" inside Rwanda where not much real activity takes place, for instance by H&B Mining, to launder minerals.

<sup>81</sup> "Kenyan commander's exit exposes tussle over regional force mandate", *The East African*, 30 April 2023.

<sup>82</sup> "SADC forces are not a panacea for DR Congo's ills", *The New Times*, 10 May 2023; "More deployment of foreign forces in eastern DR Congo a recipe for disaster", *The New Times*, 11 May 2023; "By inviting SADC forces, Tshisekedi is fanning the flames in the Kivus", *The New Times*, 16 May 2023.

on between elements of the FARDC and armed groups, including the FDLR.<sup>83</sup> After the final report of the Group of Experts came out in June, the US reiterated their call “for Rwanda to immediately remove Rwanda Defense Force (RDF) troops from Congolese territory” and again denounced FARDC-FDLR cooperation.<sup>84</sup> The EU issued a similar call a few days later, also announcing that it “will consider taking further appropriate and targeted restrictive measures against persons, entities and bodies responsible for sustaining or exploiting armed conflicts”<sup>85</sup>. As usual, Rwanda rejected the findings of the Group of Experts –except the ones that suited it: FARDC-FDLR cooperation and anti-Rwanda and anti-Tutsi discourse–, claiming that “the report relies heavily on questionable evidence, as well as unreliable sources” and that the Group “continues to propagate dangerous distortions and fabrications”.<sup>86</sup> Nevertheless, next to Congolese suspects of human rights abuse, both the EU and the US sanctioned RDF officers.<sup>87</sup>

The midterm report of the UN Group of Experts updated and detailed the role of the main players in the conflict.<sup>88</sup> Not only was RDF assistance for the M23 further documented<sup>89</sup>, but it also appeared that the RDF/M23 were supported by 250 former FDLR combatants.<sup>90</sup> The experts confirmed the use by the FARDC of armed groups, including the FDLR, as proxies.<sup>91</sup> A new and potentially dangerous development mentioned in the report was the covert deployment outside the EACRF framework of Burundian army (FDNB) troops wearing FARDC uniforms since October.<sup>92</sup>

<sup>83</sup> US State Department, “Statement on Report by UN Group of Experts”, Press Statement, 4 January 2023.

<sup>84</sup> US State Department, “Final Report by UN Group of Experts”, Press Statement, 19 June 2023. Interestingly, just after a visit to Rwanda and the DRC by the White House Director of National Intelligence, a statement issued by the FARDC said Congolese soldiers were forbidden, “whatever their rank, to have any contact whatsoever with the FDLR” (“US pressure of Kigali, Kinshasa to make peace is starting to pay off”, *The East African*, 27 November 2023).

<sup>85</sup> Council of the EU, “Democratic Republic of the Congo (DRC): Statement by the High Representative on behalf of the European Union”, 7 July 2023.

<sup>86</sup> Republic of Rwanda, Office of the Government Spokesperson, “Statement on the UN Group of Experts Final Report on the Democratic Republic of Congo”, Kigali, 22 June 2023. Also see “UN ‘experts’ at it again; leak genocide denial, dangerous narratives”, *The Great Lakes Eye*, 22 June 2023; “UN Group of Experts obscure realities of eastern DR Congo conflict – Rwanda govt”, *The New Times*, 22 June 2023; “Another UN report to muddy the waters in DR Congo”, *The New Times*, 27 June 2023.

<sup>87</sup> One of the sanctioned officers, Brig-Gen Andrew Nyamvumba, was promoted just weeks later, probably as a show of defiance (“Kagame promotes general sanctioned by US for war in DR Congo”, *The East African*, 30 August 2023).

<sup>88</sup> United Nations, Security Council, *Midterm report of the Group of Experts on the Democratic Republic of the Congo*, S/2023/990; 30 December 2023.

<sup>89</sup> *Idem*, pp. 9-10; Annex 17, pp. 56-64.

<sup>90</sup> *Idem*, p. 10.

<sup>91</sup> *Idem*, pp. 10-11.

<sup>92</sup> *Idem*, p. 12.

Conflicts in the DRC also affected Rwanda's relations with other countries in the region. After years of hostile exchanges, relations with Burundi seemed to have improved from late 2021, in part during Burundian president Ndayishimiye's tenure as chair of the EAC. However, incidents between the Burundian EACRF contingent and the M23, as well as the signing of a defence protocol between the DRC and Burundi in August<sup>93</sup>, have brought Rwanda and Burundi on a collision course again. In addition to the FDNB operations in coalition with the FARDC, relations worsened further when, on 29 December, Ndayishimiye accused Rwanda of supporting the Burundian rebel group Red-Tabara.<sup>94</sup> The Rwandan reaction was furious.<sup>95</sup> The situation in the DRC has also impacted relations with Uganda. Rwanda relaunched M23 in November 2021, after the UPDF started operating in the DRC to combat the ADF, and Uganda and the DRC planned joint roadworks. The Ugandan succession crisis, with Museveni's son Muhoozi Kainerugaba, an ardent Kagame admirer, impatiently waiting for his accession to power, turns bilateral relations into a personalised affair.<sup>96</sup> More generally, the shared history and social ties among the two countries' elites shape the suspicion, mistrust and hostility that permeate official policies, and thus make bilateral relations irrational and unpredictable.<sup>97</sup> The effective deployment of the SADC force (cf. *supra*), with South African troops arriving in Goma on 29 December, to be followed by Tanzanian and Malawian contingents may well herald the deterioration of relations with the troop contributing countries. Rwanda has not forgotten the role played by the FIB in the defeat of the M23 ten years earlier.<sup>98</sup>

Beyond the immediate region, Rwanda has continued to expand its military-economic diplomacy. Present in Mozambique since 2021, the number of soldiers and police in Cabo Delgado province increased from 1,000 to 2,500. After securing the Total Energies gas assets, Rwandan forces now also guard graphite and ruby mines. Although Kagame insists that Rwanda pays its own way, the terms governing its troops deployment remain a mystery.<sup>99</sup> While

<sup>93</sup> *Idem*, Annex 28, p. 86.

<sup>94</sup> "Burundi Accuses Rwanda Of Backing Rebel Group", *Kenyan Foreign Policy*, 30 December 2023.

<sup>95</sup> Republic of Rwanda, Office of the Government Spokesperson, "No truth whatsoever in Burundian president's allegation referring to Rwanda", Kigali, 29 December 2023.

<sup>96</sup> An interesting analysis of these dynamics can be found in TAYLOR, L., "Uganda's Brewing Succession Crisis Is Fracturing Its Ruling Regime. The president's son is a loose cannon – and he's angling for his father's job", *Foreign Affairs*, 30 August 2023.

<sup>97</sup> BAREEBE, G., KHISA, M., "Rwanda-Uganda relations: elites' attitudes and perceptions in interstate relations", *Commonwealth and Comparative Politics*, Vol. 61, No. 2, 2023, pp. 152-176.

<sup>98</sup> In addition, relations with South Africa have been frosty since 2010 as a result of (attempted) assassinations of Rwandan opponents there by Rwandan operatives.

<sup>99</sup> NHAMIRRE, B., "Rwanda expands its protection of Mozambique's natural resources", *ISS Today*, 1 February 2023.

the sources of funding for the operation are unclear, there is a security bonus. After Rwandan asylum seekers in Mozambique were already threatened in recent years, a new extradition treaty signed between the two countries in early 2023 is feared by refugees to facilitate the sending of exiled government opponents back to Rwanda.<sup>100</sup> After contributing troops to the UN MINUSCA mission in the Central African Republic (CAR) since 2014, in 2020 Rwanda sent additional forces in a bilateral framework at the request of the Bangui regime. Like in Mozambique, Rwanda's military diplomacy also brought financial rewards. In addition to providing security, the Rwandan troops also protect Rwandan businesses and guard mines. This dual nature of Rwandan presence comes with several risks: local business interests perceive Rwandan advantages as unfair competition, military support for a dictatorial regime involves considerable human rights abuse, and Rwanda's interests in the mining sector pit it against the Russian Wagner group, also involved in security assistance and economic exploitation.<sup>101</sup> Finally, Rwanda signed a military agreement with Benin in March. As security along the border with Burkina Faso was identified as a concrete area of cooperation, this risks drawing Rwanda into regional conflicts in the Sahel region.

Economic ventures and military interventions abroad are remarkably well integrated in a coherent strategy. In 2021, the RPF's holding company Crystal Ventures Lt (CVL) set up Macefield Ventures Lt (MVL) to run its international operations. Active in several African countries in the areas of agriculture, mining, construction and security, MVL is often "deployed" together with the army. For instance, when Kagame discussed military cooperation with Benin's president Patrice Talon in March, MVL staff worked on the implantation of a company for the exploitation of granite and marble quarries. Integrated military-commercial operations have earlier been put in place in Mozambique, the CAR and Congo-Brazzaville.<sup>102</sup>

## 7. RWANDA AND THE WORLD

The first year of the saga of the UK-Rwanda "Migration and Economic Development Partnership" signed in Kigali on 14 April 2022 was presented in last year's chronicle, and will only briefly be followed up here. As noted last year, the scheme ran into trouble from the start, and the stalemate persisted

<sup>100</sup> MANGWIRO, C., "Mozambique: Rwanda extradition treaty payback for fighting jihadists?", *The Africa Report*, 13 March 2023.

<sup>101</sup> International Crisis Group, *Rwanda's Growing Role in the Central African Republic*, 7 July 2023. On Wagner operations, see "Wagner Group Uses Mafia-Style Tactics To Dominate CAR's Diamond Sector", *Africa Defense Forum*, 1 August 2023.

<sup>102</sup> A well-researched mapping of these operations can be found in GRAS, R., "Au Rwanda, les discrets atouts de la diplomatie économique de Paul Kagame", *Jeune Afrique*, 2 May 2023; GRAS, R., "Entre sécurité et business, Kagame tisse sa toile au Mozambique", *Jeune Afrique*, 2 May 2023.

throughout 2023. Widespread opposition continued to be voiced in the UK<sup>103</sup>, but more importantly the Rwanda deal failed to stand the judicial test. On 29 June, the Court of Appeal by a majority considered that the deficiencies in the Rwandan asylum system create a real risk that individuals sent there could be returned to their home countries, and that in that sense Rwanda is not a “safe third country”. The court held that unless and until the deficiencies in its asylum processes are corrected removal of asylum-seekers to Rwanda will be unlawful.<sup>104</sup> The government faced another embarrassment when the Rwandan High Commissioner in London claimed in an undercover sting that the UK government’s position on asylum seekers was “absolutely wrong”, and it was “immoral” for Britain to claim to be a compassionate country. He also acknowledged that 12 refugees were shot dead by the Rwandan police in 2018.<sup>105</sup>

Upon releasing a report on Rwandan extraterritorial repression<sup>106</sup>, Human Rights Watch again urged the UK government to abandon the plan, arguing that “[g]iven Rwanda’s brazen targeting of its refugees, asylum seekers and other diaspora members around the world, the UK government cannot, in good faith, argue that Rwanda is a safe third country to which to send asylum seekers”.<sup>107</sup> Meanwhile, the Rwanda deal continued to haunt the cabinet. On 13 November, Home Secretary Suella Braverman was sacked and replaced by James Cleverly, the Foreign Secretary. The next day Braverman sent an arrogant and disloyal letter to Prime Minister Rishi Sunak, accusing him of breaking his promises and having failed to prepare a credible “Plan B” to “securely and swiftly deliver our Rwanda partnership”.

Her fears were cruelly confirmed the next day when the Supreme Court unanimously upheld the Court of Appeal’s decision. The judgment found that Rwanda has a poor human rights record, that there are serious and systematic defects in Rwanda’s procedures and institutions for processing asylum claims, and that Rwanda had recently failed to comply with the non-refoulement prin-

<sup>103</sup> See for instance “Rwanda scheme would ‘completely erode’ UK’s standing on the world stage”, *The Guardian*, 25 May 2023; “Ex-British Army chief ‘uncomfortable’ with Government’s Rwanda policy”, *The Independent*, 8 May 2023; “Suella Braverman accused of fresh ministerial code breaches over undisclosed links to Rwanda”, *The Independent*, 25 May 2023; “‘Incoherence and inconsistency’: the inside story of the Rwanda deportation plan”, *The Guardian*, 5 October 2023.

<sup>104</sup> *AAA and others v. The Secretary of State for the Home Department*, Judgment of 29 June 2023.

<sup>105</sup> “Rwanda ambassador: Suella Braverman ‘absolutely wrong’ on immigration”, *The Observer*, 30 September 2023.

<sup>106</sup> Human Rights Watch, “*Join Us or Die*”..., *op. cit.*

<sup>107</sup> Human Rights Watch, *UK: Abandon Rwanda Asylum Transfer Plan*, 10 October 2023. The Rwandan government’s reaction was routinely furious: HRW was accused of “distorting the reality of Rwanda in yet another deceitful report”. The organisation is “a tool that bullies and threatens countries in a coordinated way, which puts in question its credibility” (“New HRW report ‘seeks to distort UK-Rwanda migration deal’”, *The New Times*, 10 October 2023).

ciple.<sup>108</sup> By focusing on Rwanda, the judicial process upheld the UK's externalisation of its obligations under international law. In other words, it ignored the UK's own international obligations to offer refuge to people fleeing war and persecution.<sup>109</sup> However, Sunak was not ready to abandon this issue that has become symbolically essential in his pledge to "stop the boats". In order to circumvent judicial scrutiny, the government introduced "emergency legislation" that would require judges to treat Rwanda as a safe country. The "Safety of Rwanda (Asylum and Immigration) Bill" provided that "[e]very decision-maker must conclusively treat the Republic of Rwanda as a safe country" and "disapplied" provisions of the Human Rights Act 1998. The bill passed its second reading on 12 December, but still has a long way to go.<sup>110</sup> In the meantime, the policy has cost the UK at least £240 million without a single flight having left for Kigali.<sup>111</sup>

The way in which the UK government has become dependent on Rwanda to achieve a core promise of its political programme has curtailed its freedom to criticise the Kigali regime.<sup>112</sup> A similar evolution has taken place in France.<sup>113</sup> The national interest required the settling of a long-running dispute and the improvement of bilateral relations. In just a couple of years' time, Rwanda became a privileged partner of France, which in exchange was forced to keep silent about Rwanda's domestic governance, human rights record and regional aggressive behaviour.<sup>114</sup> In the context of France's very polarised internal opinion on Rwanda, this has led the official position to align with one

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<sup>108</sup> R (on the application of AAA (Syria) and others) (Respondents/Cross Appellants) v. Secretary of State for the Home Department (Appellant/Cross Respondent) etc., Judgment of 15 November 2023. For comments, see e.g. "U.K. Can't Deport Asylum Seekers to Rwanda, Supreme Court Rules", *The New York Times*, 15 November 2023; "Supreme court rejects Rishi Sunak's plan to send asylum seekers to Rwanda", *The Guardian*, 15 November 2023; TRILLING, D., "In the defeat of the Rwanda plan, the entire Tory project lies in tatters", *The Guardian*, 15 November 2023.

<sup>109</sup> PALMER, N., "Whither the Refugee Convention? R (AAA) v SSHD and a vision of refugee law that applies only to the Global South", University of Oxford, Faculty of Law Blogs, 3 July 2023.

<sup>110</sup> The bill prompted the resignation of the immigration minister Robert Jenrick.

<sup>111</sup> This has led to the absurd situation that, after James Cleverly's visit to Rwanda on 5 December to sign a new treaty, three home secretaries have made the trip but not a single migrant.

<sup>112</sup> Human Rights Watch, *The UK's Convenient Silence on Rwanda*, 6 July 2023; LATHAM, B., "US Sanctions Rwanda Over Child Soldiers – As UK Sings President Kagame's Praises", *Byline Times*, 26 September 2023.

<sup>113</sup> An early assessment can be found in REYNTJENS, F., "France and Rwanda Sacrifice Truth at the Altar of Reconciliation", *World Politics Review*, 9 June 2021.

<sup>114</sup> DUPUIS, S., *Le rapprochement France-Rwanda: Droits de l'homme et intérêts nationaux*, Fondation Jean Jaurès, 15 February 2023. With regard to the French attitude on Rwanda's involvement in the DRC, see Human Rights Watch, *Normalizing France-Rwanda Relations Should Not Come at the Expense of M23 Victims*, 30 June 2023. However, France has more recently started denouncing Rwandan support for the M23.

“camp”, namely the one unconditionally supporting the Kigali regime.<sup>115</sup> Nowhere has this been as clear as at the occasion of two strange “international scientific conferences” on “*Savoirs, sources et ressources sur le génocide perpétré contre les Tutsi*”, one organised in Rwanda in September 2022 (see last year’s chronicle), a second in France in September 2023. Not a single scholar critical of the Rwandan government was invited<sup>116</sup>, and Macron offered lunch at the *Élysée* to the participants.

## 8. CONCLUSION

There is a great deal of continuity in both Rwanda’s domestic dynamics and its relations with the region. Decision-making on issues considered essential or delicate is opaque and limited to a small inner circle that is not institutionalised, at least not visibly. A long-standing example of this feature is that the deployment of the RDF abroad is never publicly discussed in the government or in parliament. The obsession with total control of people, space and socio-political dynamics prohibits the opening up of political space and the free exchange of opinions and ideas. It is surprising under these circumstances that, in the context of the Abakono saga, Kagame seemed to fear that “sectarian groups have taken over from local governance structures” and that “those practices could also be prevalent in other parts of the country”. However, there are no concrete indications that such loss of overall control is occurring. Kagame is well aware that the only danger he faces is within the system’s core, and this explains the regular purges in the military and security establishment that have been practised ever since the RPF came to power.

The current Gaza war has again drawn attention to the similarities between Rwanda and Israel in dealing with internal and regional challenges. Both countries’ establishments reason in military and security terms, which can be understood in light of them being, or at least perceiving themselves as, a threatened minority in a hostile environment, the Jews in the Middle East, the Tutsi<sup>117</sup> in the great lakes region. As both consider military might as a condition for survival, they maintain efficient and large armies which they effectively use when war is considered necessary. The old saying “Rwanda

<sup>115</sup> On this polarisation, see the special issue “France-Rwanda: rapports, scènes et controverses françaises” published in *Politique africaine*, No. 166, 2022.

<sup>116</sup> This was admitted by one of the organisers in a post on X (Twitter): “Yes, we have excluded deniers and ideologues of the genocide against the Tutsi. They have other forums to participate in” (@Muleefu, 12 September 2023). Dr. Alphonse Muleefu of the University of Rwanda was presented on the conference announcement as member of the organising team. “Genocide denier” is the usual term used for those criticising the Kigali regime.

<sup>117</sup> The use of the term “Tutsi” rather than “Rwandans” is deliberate here. The Rwandan regime, its press and its supporters do not condemn or combat hate speech affecting other groups inside the country or in the DRC, just like extremists in Israel don’t express concern when the rights of Israeli Palestinians are violated.

attacks, it cannot be attacked” (*Urwanda ruratera, ntiruterwa*) attributed to king Rujugira (late 18<sup>th</sup> century) could as well apply to Israel. Both countries engage in extensive extraterritorial repression, in part through the use of Israeli spyware. In the same logic, they are not open to compromise, and resist attempts by powerful international players to reign them in. Symbolically, they both fully exploit their status as past victims of attempts at extermination. Just like Israel’s leadership and its supporters deliberately equate antizionism with antisemitism, the RPF and its supporters equate criticism with anti-Tutsi hate speech, genocide denial and genocidal ideology. In both cases these false arguments based on the “holocaust credit” and the “genocide credit” respectively are a potent weapon against criticism. Claiming to defend itself against another holocaust allows Israel to occupy Palestine, claiming to protect itself against another genocide allows Rwanda to clamp down on dissent and intervene in the region, the DRC in particular.

Antwerp, January 2024