RWANDA

by Filip Reyntjens

1. INTRODUCTION

The political year has shown a great deal of continuity with previous ones. Rwanda remains a *de facto* single-party state in which political freedoms remain strongly constrained. Civil rights, in particular freedoms of opinion, expression and association, are violated. Reports by international human rights groups show recurring patterns of torture and ill-treatment, illegal detention and even extrajudicial killings. Doubts have increasingly arisen about the evidence base of progress in socio-economic development.

As my previous chronicle[1] covered the period from mid-2015 to mid-2016, this one addresses developments from mid-2016 to the end of 2017. In the future, this political chronicle will cover calendar years.

2. POLITICAL GOVERNANCE

2.1. Presidential election

A presidential election is usually an important moment in a nation's political life. Not so in Rwanda, where the outcome is known beforehand and the event fails to create the slightest excitement in public opinion. A Kenyan daily called it "more of a coronation than real contest"[2], while an op-ed in *The New York Times* referred to it as "the ritual confirmation of the power in place".[3] An editorial in the ruling party's daily confirmed the feeling, suggesting that the polls were an unimportant interlude.[4] To understand the irrelevance of the election held on 4 August 2017, a brief look at what preceded is in order. Nearing the end of his second and constitutionally last seven-year term, Kagame repeatedly denied that he would seek re-election, even stating that he would consider it a failure on his part if he didn't find someone to replace him and that "those who seek a third term will seek a fourth and a fifth".[5] His position

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[1] REYNTJENS, F., "Chronique politique du Rwanda, 2015-2016", in REYNTJENS, F., VANDEGINSTE, S., VERPOORTEN, M. (Eds.), *L'Afrique des grands lacs. Annuaire 2015-2016*, Antwerp, UPA, 2016, pp. 257-278.

[2] "Rwanda heads to polls but it's more of a coronation than real contest", *The Standard*, 28 May 2017.

[3] INGELAERE, B., "Rwanda's Forever President", *The New York Times*, 2 August 2017.

[4] "Editorial: Now that the elections are done, time to get back to work", *The New Times*, 6 August 2017.

[5] "Le président rwandais Paul Kagamé annonce sa candidature à un troisième mandat", *Le*

remained ambiguous for a long while, but he made things very clear in May 2013. After Justice Minister Karugarama told *The Observer* that Kagame had to leave power in 2017 on account of the rule of law, he was promptly sacked. Already in 2012 a campaign had started to "convince" Kagame to "abide by the people's wish" to stay in office after 2017. In early 2015, the regime organised a drive of "spontaneous" petitions addressed to parliament demanding a constitutional revision. Almost 4 million Rwandans signed them, many under considerable duress, in an operation that could not possibly have been organised without Kagame's knowledge and direction.

During "consultations" held throughout the country, MPs and senators only found ten individuals, out of a population of eleven million, who opposed the initiative. Both houses of parliament unanimously approved the constitutional amendment, which was then submitted to a referendum. On 18 December 2015, after a one-sided campaign (only the small Democratic Green Party disagreed), 98.3 percent of the electorate endorsed the revised constitution. Article 101 as amended maintains the two-term limit and reduces the term length from seven to five years. However, a transitional provision in article 172 provides for an additional seven-year term for the incumbent, who can also be a candidate for two more five-year terms after 2024. As Kagame has effectively ruled the country since 1994, he could thus potentially stay in power for forty years.

While he had always been evasive about his ambitions, on 31 December 2015 President Kagame announced that he would be a candidate in 2017: "You have asked me to lead this country again after 2017. Given the importance you attach to this, I can only accept".[6] While the issue of term limits has led to protests and even violence in many African countries, in Rwanda there was no debate or protest. This is not surprising given that there has not been a single public demonstration which was not organised by the regime in Rwanda since the RPF took power.

At "primaries" organised by the RPF throughout the country, Kagame was selected as the party's flagbearer with 100 percent of the votes. Others too declared their intention to stand. Frank Habineza was announced as the Democratic Green Party's (DGP) candidate in December 2016. In early May 2017, an atypical independent candidate said she intended to join the race. In February, 35-year-old Diana Rwigara had denounced flawed governance practices and human rights abuse in an outspoken fashion unheard of in Kagame's Rwanda. Stating that "people are tired, people are angry", she invited Rwandans to shed fear and stop being silent.[7] In the days following her

Monde, 1st January 2017.
[6] Ibidem.
[7] "Diane Rwigara Lashes Out At Rwanda's Corrupt Authorities", *Iwacu Heza*, 26 February 2017.

announcement as a candidate, doctored nude photographs of her circulated on social media. Two other aspirants announced their intention to stand. One was not allowed access to Rwanda, while the other was denied room by Kigali hotels to hold a press conference. On 5 June, the two main "opposition" parties announced that they would not field a candidate and declared their support for Kagame's bid. So, unlike in 2003 and 2010, even the semblance of a competitive electoral process disappeared.

The challenges facing independent candidates just to be allowed to stand are daunting. To become eligible, they need to collect 600 signatures from all 30 districts, including a minimum of 12 in each district. This may not seem much, but in an environment that does not tolerate criticism of the regime it takes a great deal of courage to openly expose oneself as an opposition supporter. Candidates were not allowed to campaign before their bid was declared admissible by the National Electoral Commission (NEC), which only happened on July 7th, just a week before the start of the campaign that lasted for a mere three weeks. Parallel to such bureaucratic requirements, opposition parties –in particular the non-registered FDU-Inkingi– have seen their cadres abducted, arrested, "disappeared" or killed, hardly an environment in which campaigning against the incumbent is comfortable. It is not surprising under these circumstances that the head of the EU delegation in Kigali said that "you would not lose any money if you bet on Mr. Paul Kagame", noting how limiting the rules were for challengers and pointing at an environment "in which I suspect the outcome will be fairly predictable".[8]

In addition to Kagame, two candidates were allowed to run: the DGP's Frank Habineza and an independent, former journalist Philippe Mpayimana. As Kagame could not be credited with a score less than the 98.3 percent at the referendum, he obtained 98.79 percent, against 0.73 for Mpayimana and 0.48 for Habineza. The official turnout was a colossal 98.15 percent. Whether Rwandans effectively came out in large numbers and for whom they voted is quite irrelevant: electoral experiences in the past have shown that local officials and the NEC arrange the outcome.[9] This probably explains why Kagame scored between 98.38 and 99.30 percent in all provinces. While African observer missions, at least according to *The New Times*[10], found the elections free and fair, some of Rwanda's international partners were less impressed. US Acting Assistant Secretary for African Affairs Donald Yamamoto expressed "serious concerns about weak democratic institutions, freedom of speech, and respect for human rights" and "deep disappointment with President Kaga-

[8] "EU Official in Rwanda Predicts Kagame Election Victory", *VOA*, 5 May 2017.
[9] REYNTJENS, F., *Political Governance in Post-Genocide Rwanda*, New York, Cambridge University Press, 2013, pp. 26-56.
[10] "Polls met international standards, observers say", *The New Times*, 7 August 2017. Also see "Regional observers comment Rwanda's presidential election", Kigali, Xinhua, 7 August 2017.

me's decision" to run for a third term. He observed that the 2017 presidential election showed "notable shortcomings", including "voting irregularities" and "concerns over the integrity of the vote-counting process". He pointed to the targeting of opposition figures and suggested that "tight restrictions remain on political opposition and critics of the ruling party".[11] The UK noted irregularities in ballot counting, vote tabulation and the registration of candidates. British High Commissioner William Gelling also expressed concern over "the targeting of opposition figures".[12]

In the period between the referendum and the presidential poll, Human Rights Watch documented an ongoing pattern of harassment, arrests, and detention of opposition party leaders and supporters, activists, and journalists. It observed a "context in which Rwandans who have dared raise their voices or challenge the status quo have been arrested, forcibly disappeared, or killed, independent media have been muzzled, and intimidation has silenced groups working on civil rights or free speech". It found "intimidation and irregularities in both the lead-up to the election and during the voting". An election monitor said "he saw voting officials sign ballots for at least 200 people who did not show up to vote. All the votes went to the RPF".[13] As usual, the regime press discarded this kind of "biased western media coverage, 'human rights' and 'experts' demonising President Kagame". These "vicious, malicious allegations" are part of "a deliberately planned and coordinated campaign" aimed at damaging Kagame's reputation.[14] In his inaugural address, Kagame stated: "Every attempt that was made, whether from within and especially from outside, to denigrate the process and glorify the old politics of division, only made Rwandans more defiant and more determined to express ourselves through the vote".[15]

2.2. Post-election crackdown

With the RPF in full political and military control and after Kagame's

[11] "Statement by Acting Assistant Secretary Donald Yamamoto, Bureau of African Affairs. "Rwanda: Democracy Thwarted". House Foreign Affairs Committee, Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations, 27 September 2017.
[12] "Rwanda poll was not free or clean, UK now claims", *The East African*, 16 September 2017.
[13] Human Rights Watch, *Rwanda: Politically Closed Elections*, 18 August 2017. Amnesty International arrived at similar observations: *Setting the scene for elections. Two decades of silencing dissent in Rwanda*, July 2017. Also see FIDH, *La démocratie mise sous tutelle au Rwanda. Comment le FPR pérennise sa confiscation du pouvoir et l'accaparement des richesses*, August 2017.
[14] MBANDA, G., "How the Western media gets it wrong on Rwanda", *The New Times*, 17 August 2017. The author is head of media at the Rwanda Governance Board (RGB).
[15] "Inaugural address by President Kagame", *The New Times*, 18 August 2017. Also see "Kagame warns foreign envoys against meddling in Rwanda polls", *The East African*, 5 July 2017.

Stalinist electoral result, one would have expected some relaxation on the part of the regime, but the opposite happened. As seen earlier, Diane Rwigara was rejected by the NEC as a presidential candidate, allegedly because she did not collect sufficient valid signatures in support of her bid. A week after being barred, she announced the foundation of the People Salvation Movement (PSM-Itabara) aimed at raising Rwandans' awareness of their rights and criticising policies and actions of the RPF. At the end of August, a mere two weeks after Kagame's inauguration, Diane Rwigara, her mother and a sister were called in by the police. Their home was raided and an investigation was opened into tax evasion and forgery. While the police stated that the Rwigaras were free, they "disappeared" for a week in conditions that were never clarified. They were publicly apprehended at their home in a staged arrest in the presence of the media on 4 September. Diane Rwigara now faced serious additional charges including treason and inciting revolt, while her mother was suspected of discrimination and sectarianism. The tax evasion charge disappeared.

Other political opponents also came under growing pressure. On 6 September, seven members of the unregistered party FDU-Inkingi were arrested, followed by others in the next days. Since 2010, the party's president Victoire Ingabire has been serving a 15-year sentence following a flawed trial. Other party leaders are serving long prison sentences; some were tortured or held incommunicado. On 26 September, eight party members were charged with forming an armed group and offences against the president. Leaders of the PDP-Imanzi, another party that was refused registration, were also targeted. Commenting on the clampdown, Human Rights Watch said it shows that the government "is unwilling to tolerate criticism or accept a role for opposition parties, and it sends a chilling message to those who would dare challenge the status quo". "The government is using its standard playbook to crush dissent. Rwanda's donors and other international actors should condemn this blatant clampdown on the political opposition".[16]

2.3. Everyday governance

Turnover in government has always been considerable in Rwanda.[17] In August 2016, the sacking and recall of Eugène Gasana, Rwanda's permanent representative at the UN and State Minister for Cooperation, led to rumours that his demise was linked to an affair he had had with First Lady Jeanette Kagame, who then disappeared from the public view for over a month. Gasana has not returned to Rwanda, and has adopted a low profile since. The cab-

[16] Human Rights Watch, *Rwanda: Post-Election Political Crackdown. Arrests, Enforced Disappearances, Threats Against Opponents*, 28 September 2017.
[17] By 2000, Kagame was the only survivor of the cabinet put in place in July 1994.

inet was again reshuffled in October, when five new faces came in and three were dropped. At the end of August 2017, after his re-election, Kagame appointed a fresh government led by a new Prime Minister, Edouard Ngirente, a technocrat working at the World Bank. Hardly a year after the latest reshuffle, five government members were dropped. Officially, 16 out of a total of 32 ministers and ministers of state are RPF, with three PSD (*Parti social démocrate*) and one PDI (*Parti démocratique* ideal) and PPC (*Parti pour le progr*ès *et la concorde*) each. According to a site close to the regime, 11 members of the cabinet are not affiliated to a party.[18] This is likely a way to hide that the RPF has more than the 50 percent government positions allowed by the constitution.[19]

The new cabinet would do well to outperform its predecessor. Indeed President Kagame has often complained that actions don't match ambitions. As on other occasions, during the February 2017 leadership retreat *Umwiherero*, he castigated central and local government officials for failing to achieve the goals set by the *Vision 2020* plan published in 2000: "You can't have ambition and the desire to leave our history far behind us and at the same time behave as if you can take your time", adding that "[l]ack of coordination and the failure to speak to one another and work with each other creates a huge cost".[20] He conveyed the message even more clearly on Twitter: "We also have to be truthful that when you spend 14 years repeating the same mistakes, we need to do things differently".

Confirming its status as a "securocracy"[21], the regime continued reinforcing the surveillance of a population already tightly controlled. In August 2016, in the context of "anti-terrorist" measures, the minister of local administration asked municipal officials to increase vigilance: "You must know everyone in your village. From now on, you must know what happens in every house".[22] At the closing session of an *itorero* training for students in September, Kagame told his audience: "If I know of anyone planning to destroy this building, I would kill him before he does so", inviting them "to be imbued with the same mind set as me".[23] Earlier, in July, he announced military training was to be increased at the expense of ideological sessions during *itorero*, thus suggesting –at least according to the opposition in exile– that he wanted

[18] "Umugabane amashyaka yaronse muri Guverinoma nshya", *Igihe.com*, 12 September 2017.
[19] This was anecdotally confirmed when former Prime Minister Habumuremyi, who was considered non-partisan, signed an op-ed as a "senior RPF cadre" (HABUMUREMYI, P.-D., "Rwanda Defence Forces: The Engine of Rwanda's Resilience", *The New Times*, 4 December 2017).
[20] "Match ambitions to action, Kagame tells leaders", *The New Times*, 26 February 2017.
[21] This term was coined by SIDIROPOULOS, E. "Democratisation and militarisation in Rwanda", *African Security Review*, vol. 11, n° 3, 2000, pp. 77-87.
[22] "Terrorisme: le Rwanda renforce ses mesures de sécurité", *RFI*, 31 August 2016.
[23] Platform P5, *SOS Rwanda: Rwandan President Kagame invites the youth to emulate his example in killing opponents*, Press release no. 016/2016, 16 September 2016.

to transform the youth into a paramilitary wing of the RPF.[24] Despite these heavy-handed policies, Rwanda ranks 34th most fragile out of a total of 178 countries in the Fund for Peace's Fragile States Index 2017.

Alex de Waal, who in the past showed a great deal of sympathy for the RPF, has become increasingly critical, describing Kagame as a "skilled and ruthless leader", who "makes sure no other figure attracts loyalty, and keep things that way through assassination, or the threat of it". More ominously, he finds in the current regime "the same shortcomings that brought about the escalatory competitive political killings of 1994".[25] Another (former) supporter opined that "Kagame faces what may be his greatest challenge, one that few strongmen have mastered: transition to a more open society".[26]

On a more positive side, the British Aegis Trust, which has a long-standing involvement in Rwandan genocide commemoration, has started the publication of a series of working papers, some of which challenge views strongly held by the Rwandan regime. A paper on the *Ndi Umunyarwanda* initiative shows that children of genocide perpetrators are both involved in and subvert state-sponsored processes.[27] Another paper finds that history teachers shun controversial issues and avoid risk-taking, leading to teacher-centred pedagogies as opposed to the prescribed learner-centred ones.[28] A third one is perhaps the most challenging for the regime, as it finds that the excessive pursuit of the citizenship model in the *Itorero* training scheme might not be helpful. It is likely to produce blind patriotism, unqualified loyalty and uncritical obedience to the ruling party under the veil of "good citizenship" and might paradoxically encourage fanaticism.[29] While freedom of expression is very limited in Rwanda (see below), papers like these appear to create some space for moderate criticism.[30]

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[24] Platform P5, *President Kagame puts the youth on a war footing against his critics after his flawed 3rd mandate*, Press release, 27 July 2016.

[25] DE WAAL, A., "The Big Man", *London Review of Books*, 3 November 2016.

[26] KINZER, S., "Rwanda and the dangers of democracy", *The Boston Globe*, 22 July 2017.

[27] BENDA, R.M., "Youth Connekt Dialogue: Unwanted Legacies, Responsibility and Nation-Building in Rwanda", Aegis Rwanda, Working Paper 001, September 2017.

[28] BUHIGIRO, J.L. and WASSERMANN, J., "The Experiences of Rwandan History Teachers in Teaching the Genocide against the Tutsi as a Controversial Issue", Aegis Rwanda, Working Paper 002, September 2017.

[29] NZAHABWANYO, S. and HORSTHEMKE, K., "Identification and Critique of the Citizenship Notion Informing the *Itorero* Training Scheme for High School Leavers in Post-Genocide Rwanda", Aegis Rwanda, Working Paper 006, September 2017. This paper was also published in the *South African Journal of Higher Education*, vol. 31, n° 2, 2017, pp. 226-250.

[30] However, the head of the programme Phil Clark acknowledged that some findings were controversial and that "certain powerful people have approached us and expressed their disapproval" ("New research findings challenge certain genocide narratives", *The East African*, 1 May 2017). Two recent publications address the issue of official narratives and the manipulation of memory: ERAMIAN, L., "Neither obedient nor resistant: state history as a cultural resource in post-genocide Rwanda", *Journal of Modern African Studies*, vol. 55, n°

3. SOCIO-ECONOMIC GOVERNANCE

When determining policies toward beneficiary countries, for instance under the form of aid or sanctions, donors are often confronted with conflicting norms. For instance, trade-offs are made between human rights and democracy on the one hand, and socio-economic progress on the other.[31] In the case of Rwanda, the EU considered the goal of poverty eradication and the desire to foster good donor-recipient relations to be more important than imposing sanctions based on human rights violations.[32] This kind of trade-off raises the issue of the evidence base. How reliable are data on issues like poverty reduction?

Awkward questions have been raised in the past on the reliability of official poverty and inequality statistics[33], but the debate has recently intensified. Despite a Rwandan stats office report that reiterated its claim of "robust" findings that poverty fell substantially between 2010-2011 and 2013-2014[34], on 31 May 2017 the ROAPE blog published a text by authors who "asked for anonymity".[35] Using a publicly available dataset, they found that poverty increased by 5 to 7 percentage points between 2010 and 2014, while the Rwanda stats office claimed in 2015 that it decreased by 6 percentage points. They went further by warning that such discrepancies warrant a closer scrutiny of official statistics, arguing that "GDP growth figures appear to be incompatible with the findings of the EICV survey, given that agriculture still accounts for about one third of GDP and two thirds of the labour force".[36] Desiere also found an increase of poverty, though only by 1.2 percentage points, and concluded that these findings raise concerns, "not only for Rwanda's (rural) policies, but also for international donors that have presented Rwanda as a model

4, 2017, pp. 523-645; KELLY, T., "Maintaining Power by Manipulating Memory in Rwanda", *Fordham International Law Journal*, vol. 41, n° 1, 2017, pp. 79-133.

[31] The separation between concerns with rights and with structural (capitalist) transformation has been studied in a nuanced fashion in HARRISON, G., "Rwanda and the Difficult Business of Capitalist Development", *Development and Change*, vol. 48, n° 5, 2017, pp. 1-26. Also see CHEMOUNI, B., *The politics of core public sector reform in Rwanda*, Manchester, University of Manchester, ESID Working Paper No. 88, July 2017.

[32] SALTNES, J.D., "Norm collision in the European Union's external policies: The case of European Union sanctions toward Rwanda", *Cooperation and Conflict*, 2017, advance publication.

[33] See for instance REYNTJENS, F., "Lies, damned lies and statistics: Poverty reduction Rwandan-style and how the aid community loves it", *African Arguments*, 3 November 2015.

[34] National Institute of Statistics of Rwanda, *Poverty Trend Analysis Report*, Kigali, June 2016; MWAI, C., "New study reaffirms headway in poverty reduction", *The New Times*, 30 June 2016.

[35] This is very telling about the debate on Rwanda. The authors probably feared they would not be allowed to enter the country if their names were known to the authorities.

[36] "Rwanda Poverty Statistics: Exposing the 'Donor Darling'", *ROAPE Blog*, 31 May 2017.

for development because of the supposedly strong poverty reductions".[37]

The authors of the 31 May article followed up on the issue of GDP growth figures in a later post. They found a growing gap between EICV data and national accounts: by 2013, the national account estimate was more than 50 percent higher than the average consumption estimated from the EICV. In addition to concerns about the reliability of official GDP figures, the authors pointed to a "whopping" current account deficit, strongly declining capital account flows, the halving in value of the Rwandan franc since 2012, and dwindling foreign reserves. They concluded that "if there ever was a Rwandan economic miracle, it has probably fizzled out some time ago and is likely to come crashing down very soon", blaming this development on a strategy that "is risky in the extreme, bordering on reckless".[38]

While it is to be hoped that this is too pessimistic a forecast, it does warn against the use of dubious statistics. Desiere et al. argue that, while agricultural statistics in Africa are widely recognised to be of poor quality, they continue to shape policy debates and rural policies. Taking the example of Rwanda, they find that the increase in yields since the implementation of agricultural reforms in the mid-2000s depends on the dataset used to evaluate it, ranging from an impressive 60 percent to a modest 10 percent increase. Yet, it is only the figures that show the largest increase that have been taken up in official discourse. Statistics may thus partially have created their own reality, a fact reinforced by the use of performance contracts on the basis of which local officials are assessed.[39] This provides an incentive to doctor the numbers, a practice known in Rwanda as "tekiniki". Another area affected by doctored statistics is that of job creation. While official figures claimed that over 200,000 off farm jobs were created in 2015-2016, analysts argued that this failed to reflect the reality on the ground. For instance, companies indicate that they have a certain number of workers, and this goes directly into the database regardless of whether they really exist or whether they are the kind of jobs someone can depend on.[40]

Rural populations suffer most. Research shows that land and agricultural policies diminished land-tenure security, excluded vulnerable groups and caused food insecurity for many small-scale farmers.[41] According to the Africa

[37] DESIERE, S., "The Evidence Mounts: Poverty, Inflation and Rwanda", *ROAPE Blog*, 28 June 2017.

[38] "Faking it: The Rwandan GDP Growth Myth", *ROAPE Blog*, 26 July 2017. Also see SINDAYIGAYA, A.M., "Is Rwanda's economy resilient?", *Insightful Quotient*, 24 June 2016; "Tough times as Rwanda cuts down spending", *The East African*, 11 June 2016.

[39] DESIERE, S., STAELENS, L., D'HAESE, M., "When the Data Source Writes the Conclusion: Evaluating Agricultural Policies", *Journal of Development Studies*, vol. 52, n° 9, 2016, pp. 1372-1387.

[40] "Rwanda economy under scrutiny over failure to create jobs", *The East African*, 15 October 2016.

[41] LEEGWATER, M. et al., "Rwanda's agricultural revolution is not the success it claims to be",

Nutrition Map 2017, 3.9 million Rwandans, one third of the population, are undernourished. This problem was acutely underscored when famine hit over 100,000 families in mid-2016. The fact that, as was traditionally the case, the famine was given a name (*Nzaramba* – "I will stay for long") showed how severe it was. Despite the government's aim to achieve a 100 percent adherence to the Community Based Health Insurance ("Mutuelle"), the subscription rate stood at 55 percent in 2016.[42] Indeed many households don't have the means to subscribe and are suspicious of a system that collects money but does not offer decent health services. Patients were held captive in certain health centres for failure to pay their bills; others were arrested for not paying their insurance fee.[43] Education is claimed as another success story, where the government "delivers", but research shows low quality. Performance-based incentives focus on measurable input aspects rather than on improving the capacity of the teaching workforce or tracking learning outcomes. There is a gap between the government's development aims and the realities facing most Rwandans. The delivery of "poor education to the poor" is "likely to produce a large cohort of primary and secondary school leavers unable to possess a basic set of skills".[44]

The urban poor don't fare much better. Recent research shows that Kigali's ambitious development goals are both unrealistic and harmful to the vulnerable. For instance, young men within the informal economy are criminalised, and chased away from the city's main streets. Urban policies, adhering to the "rule by aesthetics" concept, are set beyond the reach of the youthful population.[45] These policies tend to favour the better off. For instance, capturing the value of urban property through taxation was found to be resisted by vested interests created by the rapid generation of real estate-based wealth.[46]

4. JUSTICE

At the time of writing, two political trials were underway. In one case, nine members of the unregistered opposition party FDU-Inkingi are charged

The Conversation, 13 December 2017.

[42] KWIBUKA, E., "Officials move to bolster Mutuelle subscription rate", *The New Times*, 16 August 2016.

[43] IYAMUREMYE, D., "Rwandan Health Sector Today – Who is accountable for what happens?", *Jambonews*, 26 September 2016.

[44] WILLIAMS, T.P., *Oriented towards action: The political economy of primary education in Rwanda*, Manchester, University of Manchester, ESID Working Paper No. 64, August 2016.

[45] FINN, B., "Quietly Chasing Kigali: Young Men and the Intolerance of Informality in Rwanda's Capital City", *Urban Forum*, published online 17 November 2017.

[46] GOODFELLOW, T., "Taxing property in a neo-developmental state: The politics of urban land value capture in Rwanda and Ethiopia", *African Affairs*, vol. 116, n° 465, 2017, pp. 549-572.

with forming an irregular armed group. Strangely enough, this "alliance of armed groups operating from DR Congo" is claimed to be the so-called P5[47], which is a known platform of Rwandan exiled opposition parties RNC, Amahoro PC, PS Imberakuri, PDP-Imanzi and FDU-Inkingi. The second trial concerns the Rwigara family. As mentioned earlier, Diane Rwigara is charged with inciting insurrection and forgery, while her mother and sister are suspected of incitement, as well as "discrimination and sectarianism".

Rwandan justice in politically sensitive cases has recently come under increasing scrutiny of regional courts. Already in 2011, the East African Court of Justice ruled that the detention in 2010-2011 of lieutenant colonel Rugigana Ngabo, the brother of exiled opponent Kayumba Nyamwasa, was in breach of the EAC Treaty.[48] In 2015, a case was filed in the African Court on Human and Peoples' Rights (ACtHPR) in relation to the illegal take-over and subsequent neutralisation of the human rights organisation Liprodhor in 2013. On 1 March 2016, just three days before the hearing in the Ingabire case (see below), Rwanda withdrew its declaration accepting the competence of the court to receive cases from individuals and NGOs. However, on 3 June 2016 the court unanimously ruled that the government's withdrawal had no effect on pending cases. It therefore decided to continue examining the application.[49] Intervening as *amicus curiae*, the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association argued that the government's actions with regard to Liprodhor "are not provided for by law, do not serve a legitimate aim and are disproportionate".[50] In a ruling of 28 September 2017 in the Mugesera case, the ACtHPR ordered the government to allow the applicant access to his lawyers, to allow him to be visited by his family members and to allow him access to all medical care needed, and to refrain from any action that may affect his physical and mental integrity and health.[51] At the international level, the UN Human Rights Council's working group on arbitrary detention found that the arrest and detention of General Rusagara and Colonel Byabagamba, sentenced in 2016 to 21 and 20 years in prison respectively, were arbitrary, and that they should be released and offered compensation. The Rwandan government was requested to inform the

[47] MPIRWA, E., "Nine charged with forming irregular armed group", *The New Times*, 21 September 2017. The P5 platform itself claimed that the prosecution "deliberately lied" about this "with the sole purpose of making it [P5] fit into the label of being an armed group" ("The political situation in Rwanda is explosive", Press release 010/2017, 9 October 2017).

[48] East African Court of Justice, First Instance Division, Plaxeda Rugumba v The Secretary General of the East African Community and The Attorney General of the Republic of Rwanda, Reference No. 8 of 2010, Judgment of 1st December 2011.

[49] African Court on Human and Peoples' Rights, Laurent Munyandilikirwa v Republic of Rwanda, Application No. 023/2015, Order of 3 June 2016.

[50] Amicus Brief submitted on 5 January 2017.

[51] African Court on Human and Peoples' Rights, Léon Mugesera v Republic of Rwanda, Application No. 012/2017, Order for provisional measures, 28 September 2017.

working group on measures taken within the next six months.[52]

The most important challenge came with the Ingabire case. Victoire Ingabire, chair of the unrecognised opposition party FDU-Inkingi, returned to Rwanda from exile in 2010 with the intention to participate in the presidential election. She was arrested, prosecuted and sentenced to 15 years in prison after trials in first instance and appeal that were considered unfair by international human rights organisations and the European Parliament. On 24 November 2017, the ACtHPR ruled that Rwanda had violated article 7 (1) (c) of the African Charter on Human and Peoples' Rights for procedural irregularities which affected the rights of the defence, as well as article 9 (2) of the Charter and article 19 of the International Covenant on Civil and Political Rights concerning her freedoms of expression and opinion.[53] If implemented by the Rwandan government, this judgment would have a major impact in a country where freedom of expression, whether through the media, civil society or the political opposition, is extremely constrained. As the court rejects the regime's interpretation of genocide denial or minimisation, which is a pillar of its policing of domestic opinion, the RPF's information and communication strategy would be considerably curtailed. In addition, the court finds that criminalising severe criticism of government policies is contrary to the Charter and the International Covenant. If the judgment were respected, this would offer avenues for the opening up of political space, something the regime is not inclined to do.

Rwanda has also been the subject of judicial proceedings in third countries. In France, the investigation into the Kigali plane attack of 6 April 1994 seemed to be at a standstill, and prosecutions appeared unlikely, particularly after a potentially important witness, Emile Gafirita, was abducted in Nairobi just days before he was to be heard by the Paris judges. However, in March 2017 another defector from the RDF told the judges that the RPF downed the aircraft, thus confirming what others had stated before.[54] The case was reopened, much to the dismay of the Rwandan regime and the suspects' advocates (for further developments in this case, see below).

Other cases concerned extradition requests from the Rwandan government and the trial of genocide suspects on the basis of universal jurisdiction. On the first issue, suspects were extradited in 2016 and 2017 from Germa-

[52] Nations Unies, Assemblée générale, Conseil des droits de l'homme, Groupe de travail sur la détention arbitraire, *Avis n° 85/2017 concernant Franck Kanyambo Rusagara, Tom Byabagamba et François Kabayiza (République du Rwanda)*, 21 December 2017. The English version of the advice was not available at the time of writing.

[53] African Court on Human and Peoples' Rights, Ingabire Victoire Umuhoza v. Republic of Rwanda, Application 003/2014, Judgment, 24 November 2017.

[54] On 22 June 2016, exiled former RDF General Kayumba Nyamwasa signed a sworn statement to the same effect.

ny, The Netherlands[55], Norway and the US. Other countries such as France and the UK have refused extradition requests, the former on technical-legal grounds, the latter because of fair trial concerns. In Germany, Enoch Ruhigira, a former aide of President Habyarimana, was arrested in July 2016 based on a Rwandan request that however proved frivolous. He was released in March 2017 having spent eight months in detention.[56] On the second point, genocide suspects have been prosecuted in France in 2016, where two former mayors were sentenced to life, while a 25-year sentence against another suspect was confirmed in appeal. Charges against two other suspects were withdrawn in whole or in part. In early 2017, a Swedish appeal court upheld a suspect's life term in jail. Having tried several genocide suspects in the past, Belgium will prosecute three others in 2018.

A final point concerns international justice. The constant wrangling of Rwanda with the ICTR continues with the (residual) Mechanism for International Criminal Tribunals (MICT). After it ordered the early release of two convicts after serving two-thirds of their sentence and as they showed "signs of rehabilitation", the Rwandan government and the survivor organisation Ibuka reacted furiously.[57] Others criticised the ICTR for having been too lenient on the RPF. The tribunal's former prosecutor Louise Arbour (belatedly) admitted that the hostility of the Rwandan government made it impossible to investigate "very credible allegations" of crimes committed by the forces of President Kagame, adding that "remains a very serious failing of international criminal justice". A senior counsel of a team of investigators said that many witnesses against Kagame fled to neighbouring countries, but were then "extracted, tortured and killed", which led to a "serious depletion of the witness pool".[58]

5. HUMAN RIGHTS

This is how the US Department of State summarised the human situation rights in 2016: "The most important human rights problems were government harassment, arrest, and abuse of political opponents, human rights advocates, and individuals perceived to pose a threat to government control and social order; security forces' disregard for the rule of law; and restrictions on media

[55] Where, in September 2016, a majority in the Lower House of Parliament asked the Dutch government to suspend extraditions to Rwanda on account of fair trial concerns.

[56] On this sombre affair, embarrassing for both Rwanda and Germany, see GUICHAOUA, A., "The arrest of Enoch Ruhigira, President Habyarimana's former Chief of Staff", *Justiceinfo*, 17 October 2016.

[57] KARUHANGA, J., "Govt, survivors raise concern over UN's early release of genocide convicts", *The New Times*, 16 December 2016; MWAI, C., "Kagame weighs in on UN's release of genocide convicts", *The New Times*, 17 December 2016.

[58] ZILLIO, M., YORK, G., "Kagame government blocked criminal probe, former chief prosecutor says", *The Globe and Mail*, 26 October 2016.

freedom and civil liberties. Due to restrictions on the registration and operation of opposition parties, citizens did not have the ability to change their government through free and fair elections. Other major human rights problems included arbitrary or unlawful killings; torture and harsh conditions in prisons and detention centers; arbitrary arrest; prolonged pretrial detention; government infringement on citizens' privacy rights and on freedoms of speech, assembly, and association; government restrictions on and harassment of some local and international nongovernmental organizations (NGOs), particularly organizations that monitored and reported on human rights and media freedoms; some reports of trafficking in persons; and government restrictions on labor rights; and child labor".[59]

Human Rights Watch (HRW) has issued critical reports on several areas of serious concern. A first denounced the rounding up and arbitrary detention of poor people in "transit centres" across the country. The conditions in these centres are harsh and inhuman, and beatings are commonplace. New research indicates that the authorities have made few changes in a centre in Gikondo, in Kigali, despite an earlier HRW report on abuses there, and that similar degrading treatment prevails in other transit centres. None of the former detainees interviewed by HRW were formally charged with any criminal offense and none saw a prosecutor, judge, or lawyer before or during their detention. Contrary to the designations for these centres, none of the people interviewed had "transited" to other facilities after their most recent arrest and most had not been through any "rehabilitation," such as professional training or education. "They correct us by beating us with sticks," one man told HRW.[60] Justice Minister Busingye castigated the report as "representative of irresponsible human rights activism" and called it "wild speculation".[61]

In a report on government repression in land cases, HRW argued that "[t]he Rwandan government's intolerance for dissent goes beyond political opposition leaders, journalists, or human rights activists who dare to report on government abuses". It found that military and civilian authorities had arrested, beaten or threatened people who challenged government decisions to force residents off their land. Officials arrested prominent community members and charged them with inciting insurrection, although they merely claimed that their rights had not been respected during expropriation processes.[62]

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[59] U.S. Department of State, Bureau of Democracy, Human Rights and Labor, *Country Reports on Human Rights Practices for 2016*, Rwanda.
[60] Human Rights Watch, *Rwanda: Locking Up the Poor. New Findings on Arbitrary Detention, Ill-Treatment in "Transit Centers"*, 21 July 2016.
[61] "Latest Human Rights Watch report slammed for "irresponsible activism", *The New Times*, 22 July 2016.
[62] Human Rights Watch, *Rwanda: Government Repression in Land Cases. Authorities Threaten, Prosecute Residents Who Speak Out*, 31 March 2017.

Although the issue of extrajudicial killings was brought up earlier[63], it was thoroughly documented by HRW in a major report published in July 2017.[64] It found that Rwandan security forces summarily executed at least 37 suspected petty offenders in the Western Province alone between July 2016 and March 2017. The report documented extrajudicial executions, enforced disappearances, and threats against family members and other witnesses to these crimes. Most victims were accused of stealing small items, smuggling, illegally crossing the border with the DRC or using illegal fishing nets. These killings were part of an official strategy following "new orders" or a "new law" stating that all thieves and other criminals were to be executed. The report was very detailed, containing names and photographs of victims, the identity of responsible state agents, and a precise description of the events. Letters written by HRW to the minister of justice and to other officials were not answered.

Justice Minister Johnston Busingye immediately reacted on Twitter, stating that the report "is clearly fake. They [HRW] have been duped, yet again, wilfully". Foreign Minister Louise Mushikiwabo claimed that the report "has names of people purportedly killed by security forces, yet they are alive and well".[65] On 13 October, the (governmental) National Commission for Human Rights (NCHR) rubbished the HRW findings, claiming that seven of the alleged victims were alive, ten died of natural causes or accidents, and ten were unknown to local authorities of the administrative entities mentioned in the report.[66] Human Rights Watch responded on November 1st, showing manipulation by the NCHR. For instance, it produced a different person at its news conference – with the same name, but from a different sector and almost 30 years older than the person who was killed. The NCHR also presented a woman who said a person allegedly killed was her husband and that he was living in Belgium. However, the man said to be in Belgium is a different person. The man killed in March was a fisherman who never had a passport. Numerous family members of victims told HRW that local authorities had interrogated, threatened, or even detained them since the publication of the July report. Authorities attempted to coerce some family members to provide a false account of what happened to their relatives. HRW also documented threats to local

[63] E.g. National Movement Inkubiri, "Rwanda: the wave of extrajudicial killings is a policy", 7 September 2016; Platform P5, "Condemnation of the escalation of extra-judicial killings by security services in Rwanda", 12 December 2016; FDU-Inkingi, "Denunciation of frequent killings of unarmed civilians by security services in Rwanda", 10 January 2017; FDU-Inkingi, "Rwanda: Reign of terror strikes Rusizi district", 14 June 2017.

[64] Human Rights Watch, *"All Thieves Must be Killed". Extrajudicial Executions in Western Rwanda*, July 2017.

[65] "Rwanda tells off human rights body over accusations of stifling opposition", *The East African*, 29 September 2017.

[66] National Commission for Human Rights, *Report of investigations carried out by the National Commission for Human Rights in Rutsiro and Rubavu districts on the Human Rights Watch report of July 2017*, Kigali, October 2017.

communities where the killings took place.[67] A France 24 investigation, aired on October 31, also found numerous discrepancies in the NCHR report and corroborated the circumstances surrounding four of the summary executions documented by Human Rights Watch. Despite being caught red-handed in killing civilians first and lying about the facts later, through its press the regime continued denying the evidence and trying to discredit the international human rights community.[68]

Worse was to come in October 2017, when HRW published a damning report on torture and unlawful detention in military facilities.[69] To force them to confess or to incriminate others, officials severely tortured or ill-treated detainees, almost all held in incommunicado detention. Illegal holding sites include Kami military camp in Kigali, the Ministry of Defence, Mukamira military camp between Musanze and Rubavu, and a military base known as the "Gendarmerie" in Rubavu. The period of their detention in military centres was erased from the judicial record. In many cases, the defendants did not receive a fair trial, and judges refused to order an investigation into allegations of ill-treatment or to dismiss evidence obtained under torture. The perpetrators of this abuse benefited from total impunity. As was the case with the previous report, neither the government nor the NCHR replied to requests for a response to the findings.

The report came at a particularly awkward moment, as the UN Committee on Torture was about to conduct its review of Rwanda. On 20 October, the UN Subcommittee on Prevention of Torture (SPT) suspended its visit to the country "due to a series of obstructions imposed by the authorities, such as accessing some places of detention, confidentiality of certain interviews and over concerns that some interviewees could face reprisals". The delegation concluded that "the visit as a whole had been compromised to such an extent that it had to be suspended as the SPT mandate could not be effectively carried out". It added that "[i]t is only the third time in 10 years that the SPT has suspended a mission".[70] The government's reaction was predictable and routine: the SPT "violated its own guidelines", and allegations of reprisals against interviewees "are baseless and inflammatory". The government would "consi-

[67] Human Rights Watch, *Rwanda: Cover-Up Negates Killings*, 1 November 2017.
[68] See e.g. "Editorial: Must HRW only serve interests of their financiers?", *The New Times*, 15 July 2017; "No truth to the HRW 'new' report – Busingye", *The New Times*, 12 October 2017; "HRW on the spot over false reports on Rwanda", *The New Times*, 14 October 2017; "Editorial: Media silence over HRW's exposure raises unanswered questions", *The New Times*, 19 October 2017; "Take hard stance against HRW, legislators tell govt", *The New Times*, 20 October 2017; "Politics, not human rights, behind HRW agenda in Rwanda", *The New Times*, 24 October 2017.
[69] Human Rights Watch, *"We Will Force You to Confess". Torture and Unlawful Military Detention in Rwanda*, October 2017.
[70] "Prevention of Torture: UN human rights body suspends Rwanda visit citing obstructions", Press release, Geneva, 20 October 2017.

der [its] options in respect of the Optional Protocol" of the Convention against Torture.[71] When the Committee against Torture considered the periodic report of Rwanda on 24 November, its members were outspoken and severe, raising concerns about a large range of violations. This included practices of torture, the use of unofficial places of detention and so-called "transit centres", the harassment of lawyers, arbitrary detentions, enforced disappearances and extrajudicial killings, and freedom of expression of journalists and human rights defenders. Dissatisfied with the answers of justice minister Busingye, the co-rapporteurs noted "that it was questionable whether the government of Rwanda understood its obligations under the Convention" and found that "the response provided by the [Rwandan] delegation was frustrating".[72] The Committee's concluding observations contained a long list of "subjects of concern". It requested that Rwanda provide, by 6 December 2018, information on issues such as "secret and incommunicado detention", "torture and ill-treatment in military detention facilities", and "impunity for acts of torture and ill-treatment".[73]

For lack of space, other kinds of human rights abuse can only be briefly mentioned. Besides some occasional radio and television debates and call-in programmes, media freedom has all but disappeared, and most journalists self-censor.[74] Although he was threatened and intimidated on occasions, journalist and blogger Bob Mugabe remained the only outspoken voice inside the country.[75] Even a Ugandan journalist received death threats over a book on Rwanda, and he was summoned to the Rwandan High Commission in Kampala and told not to launch the book because it contained "inaccuracies".[76] A new media law passed in October 2017 increased the penalty for "criminal defamation" and introduced a new offence of "insults or defamation against the President of the Republic".[77] A report found that the government and its agencies repress freedom of expression and privacy online by restricting con-

[71] "Govt: Abrupt end of U.N. torture mission to Rwanda violated own guidelines", *The New Times*, 23 October 2017. Also see "UN rights team, Rwanda disagree", *The East African*, 28 October 2017.

[72] "Committee against Torture considers report on Rwanda", Press Release, Geneva, 24 November 2017.

[73] UN Committee against Torture, *Concluding observations on the second periodic report of Rwanda*, 4 December 2017, advance unedited version.

[74] In the Reporters without borders 2017 World Press Freedom Index, Rwanda ranked 159th out of a total of 180.

[75] For instance, on 28 May 2016 he tweeted "The system is broken and only mass rebellion will revolutionise it", a statement that would not normally go unpunished. However, on 15 December 2017 he was prohibited from leaving the country, allegedly because of an investigation launched against him in 2016.

[76] "Journalist reports death threats over Rwanda book", *The Observer* (Kampala), 27 October 2017.

[77] "Rwanda: Jail Term for Insulting Rwandan President", *The East African*, 28 October 2017.

tent on the internet, pressuring communication service providers and shaping online narratives.[78] Just like the media, what is left of civil society remains under considerable pressure. For instance, the regional human rights group LDGL found it increasingly difficult to function and to secure the renewal of its registration as an NGO. Its executive secretary, Congolese national Epimack Kwokwo, was expelled in May 2016. Persons suspected of being opponents continued disappearing, both inside the country and abroad, especially in Uganda.[79]

In the meantime, the RPF's past human rights abuse is catching up with it. Three examples must suffice to show this development. In a courageous piece, Alex de Waal, the co-founder with Rakiya Omaar, recognised that their organisation African Rights had overlooked the RPF's human rights violations. He acknowledges that the RPF "had spun the singular genocide narrative to justify its emergent dictatorship (and) the wholesale hunting of Hutu refugees" in the DRC. "[T]he narrative I helped to craft became a license for despotism".[80] Based on confidential documents from the ICTR, Canadian journalist Judi Rever provides evidence that Tutsi civilians worked hand-in-hand with the RPF to commit crimes against Hutu in 1994. Countless peasants were murdered and dumped in mass graves. RPF units operated dungeons and counted on the "loyal population" (i.e. Tutsi civilians) to imprison Hutu they considered "Interahamwe". This occurred even in Giti, a commune where no genocide against the Tutsi had been perpetrated. Dozens of soldiers and officers interviewed insisted that the RPF killed hundreds of thousands of Hutu civilians during and after 1994.[81] In South Africa, a ruling by the Supreme Court of Appeal found that Rwandan intelligence services continue to send agents to kill dissidents abroad. The judgment described in detail how they organised a mission given to Alex Ruta to assassinate members of the opposition party RNC.[82]

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[78] GWAGWA, A., *A study of Internet-based information controls in Rwanda*, Nairobi, Strathmore University, Centre for Intellectual Property and Information Technology Law, 25 September 2017.

[79] For a recent example, see "Rwandans in Uganda appear to be victims of forced repatriation", *Africacumen*, 2 November 2017.

[80] DE WAAL, A., "Writing Human Rights and Getting It Wrong", *Boston Review*, 6 June 2016.

[81] REVER, J., "What Remains Hidden in Rwanda: The Role of Tutsi Civilians in Killing Hutus", *Foreign Policy Journal*, 3 June 2016. A book length account of this horror is due in 2018.

[82] Supreme Court of Appeal of South Africa, The Minister of Home Affairs v. Alex Ruta, Case No 30/2017, Judgment of 13 December 2017. See "Another Rwandan assassination plot exposed", *The Globe and Mail*, 22 December 2017. It is noteworthy that the court authorised the agent's deportation to Rwanda. As he was the one who refused to carry out the killing and reported the plot to the South African police, it doesn't require a great deal of imagination to anticipate what this "traitor's" fate will be if returned to Rwanda.

6. REGIONAL AND INTERNATIONAL RELATIONS

Rwanda's relations with the region tend to be antagonistic, and all four neighbours were considered a security threat by a media outlet close to the RPF.[83] Rwanda's regional isolation was visible at Kagame's inauguration on 18 August 2017: although 18 African heads of state were present, only one from the neighbouring countries (Museveni) attended.

Relations with the DRC have never recovered from Rwandan armed aggression, the exploitation of Congolese resources and the support for rebel groups. Senior officials continue accusing Rwanda and Uganda of destabilising the DRC.[84] However, Rwandan (and Ugandan) involvement in the DRC is also ambiguous, as was made clear in a report by HRW. It found that former M23 rebel fighters were mobilised from Rwanda and Uganda to protect Kabila and help quash anti-Kabila protests.[85] These covert operations reveal strange alliances, with Rwanda being officially accused of destabilising the DRC, while at the same time helping Kabila to maintain his grip on power.

The relations with Burundi gravely deteriorated when President Nkurunziza sought (and won) a third term in 2015, but Rwanda earlier suspected Bujumbura of supporting the FDLR rebels. Burundi has since accused Rwanda of recruiting, training and arming rebels intent on overthrowing the Bujumbura regime.[86] In July 2016, the Burundian delegation pulled out of the African Union summit in Kigali, citing security concerns. A few days later, Burundi prohibited the export of foodstuffs to Rwanda. In early August, the CNDD-FDD's youth league *Imbonerakure* organised a march claimed to be "Kagame's burial" close to the border. At the end of November 2016, Burundi accused Rwanda of attempting to assassinate one of Nkurunziza's top aides.[87]

While peace was restored with Uganda in the early 2000s after violent confrontations against the background of war in the DRC, relations between the two countries started to deteriorate again in early 2017. In February, the Rwandan news agency *Rushyashya* claimed that a Uganda-backed rebel force was being set up at a training camp in Kijuru forest to the West of Kampala. It was said to be put in place by Kayumba Nyamwasa's RNC with the support of businessman Tribert Rujugiro, a former funder of the RPF who fell out with Kagame and set up a large tobacco development investment in Northern

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[83] "Kagame Tells Army 2017 Wasn't Easy And 2018 Won't Be Less Challenging", *Taarifa*, 26 December 2017.

[84] For a recent example, see "Grands Lacs: 'Nos voisins continuent d'appuyer des groupes armés qui déstabilisent la RDC'", *Jeune Afrique*, 19 October 2017.

[85] Human Rights Watch, *"Special Mission". Recruitment of M23 Rebels to Suppress Protests in the Democratic Republic of Congo*, December 2017.

[86] For more details, see REYNTJENS, F., "Chronique politique du Rwanda, 2015-2016", *op. cit.*, pp. 275-277.

[87] "Burundi accuses Rwanda of trying to kill Nkurunziza's top aide", *The East African*, 30 November 2016.

Uganda.[88] In October, Rwanda expressed concern again about Ugandan support for "Rwandan enemies".[89] Things came to a head at the end of October, when nine people –among whom several senior Ugandan police officers– were arrested and charged with conspiracy with Rwanda in the kidnap of Lieutenant Joël Mutabazi in 2013. Mutabazi was illegally deported to Rwanda and sentenced to life imprisonment there on several counts related to subversion. One of those arrested was former Rwandan army officer René Rutagungira, believed to operate for the DMI from the Rwandan embassy in Kampala. In mid-December, the Ugandan CMI detained a high ranking RPF official for "alleged espionage and activities which threaten national security".[90] This was seen by Rwanda as a hostile act adding insult to injury. Indeed, other areas have also become bones of contention, such as air traffic rights, priorities on the construction of the new standard gauge railway, energy projects, Rujugiro's business ventures, and French support for the training of UPDF units.[91] On 12 December, the Rwandan government sent a strong-worded note to the Ugandan Foreign Ministry, complaining about the arrests and the support for activities of the opposition group RNC, considered a "terrorist organisation" by Kigali.[92]

Finally, relations with Tanzania have been consistently frosty, and Rwanda has never forgiven the UN Force Intervention Brigade under Tanzanian command for defeating the Rwandan proxy rebel movement M23 in the DRC at the end of 2013. In addition, the siding of Tanzania with Burundi is perceived as hostile to Rwanda, despite John Magufuli's rise to power in 2015. However, there are also signs of improving relations, in particular plans to expand the Central Transport Corridor aimed at linking the port of Dar es Salaam with Rwanda by rail.

At the international level, relations between Rwanda and France have remained very hostile. Evolutions in the French judicial enquiry into the downing of the presidential aircraft and the RPF's role in it have led to angry

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[88] "Rwanda accuses Museveni, French of training Kayumba Nyamwasa's rebels in Kibaale", *The Ugandan* (Kampala), 18 February 2017.

[89] "Rwanda 'concerned' about Uganda hosting dissidents", *The East African*, 16 October 2017. Uganda was again openly accused of supporting the RNC in "Rwandan businessman narrates ordeal in Uganda detention", *The New Times*, 23 December 2017. The "businessman" in question, Fidèle Gatsinzi, was actually an intelligence agent.

[90] "National Exclusive: CMI Detains Top Rwanda Patriotic Front Official", *Chimpreports*, 16 December 2017.

[91] "Investigation: Uganda, Rwanda Slip into New Cold War", *Chimpreports*, 30 October 2017; "Rwanda rebels seek Museveni aid to topple Kagame", *Edge*, 1 November 2017; "Kampala arrests highlight years-long Rwanda, Uganda tension", *The East African*, 6 November 2017; ASHABA, I. and BAREEBE, G., "Frenemies for life: Has the love gone between Uganda and Rwanda?", *African Arguments*, 4 December 2017.

[92] Extracts of the letter can be found in "Exclusive: Rwanda Writes Protest Letter to Uganda over Arrests; Gen Nyamwasa 'Recruitment'", *Chimpreports*, 21 December 2017.

outbursts in Kigali. In October 2016, the request by former general Kayumba Nyamwasa to be heard postponed the closing of the case again. Kagame warned of a "showdown" with France and the possibility of severing diplomatic ties once more, adding that "the judicial system of Rwanda is not subordinate to France or French interests".[93] In a tit-for-tat, the National Commission for the Fight against Genocide (CNLG) released a document detailing the role of 22 senior French officers in the genocide.[94] At the end of November 2016, the Rwandan general prosecutor announced he had opened a case against 20 French diplomatic and military officials[95], but no names were released and no effective action was taken. Relations between the two countries became even worse after a small US law firm instructed by the Rwandan government published a damning report on the involvement of French officials in the genocide.[96] Although the report does not contain anything new, it signals Kigali's resolve to remain on the attacking side.

Justice Minister Busingye stated that "France's interest is to keep us eternally in the position of an accused" and that the airplane attack file was not judicial but political.[97] Tensions again flared up a year later, when it became known that the French judges had heard a new witness who claimed that the RPF was behind the plane attack. Foreign Minister Louise Mushikiwabo expressed irritation about this "endless unjustified case fabricated by a judge in France, a political farce masquerading as justice".[98] When the judge summoned Defence Minister James Kabarebe to Paris, in order to confront him with the new witness, Kigali recalled its ambassador, thus again opening the possibility of the severing of ties (a French ambassador to Rwanda has not been accredited since 2015).[99] Kabarebe refused to go to Paris, and the investigation was formally concluded on 20 December. It is now up to the prosecutor to either indict suspects or abandon the case.

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[93] "It's France not Rwanda that should be tried for genocide – Kagame", *The New Times*, 10 October 2016.

[94] BIZIMANA, J.-D., "French complicity in the genocide: the role of senior military officers", *The New Times*, 1 November 2016.

[95] "French officials face criminal charges over 1994 genocide", *The New Times*, 30 November 2016.

[96] Cunningham, Levy, Muse, *Report and Recommendations to the Government of Rwanda on the Role of French Officials in the Genocide against the Tutsi*, Washington, 11 December 2017. Also see "New report links France to Genocide in Rwanda", *The New Times*, 13 December 2017.

[97] "Rwanda – Johnston Busingye: 'Il semble qu'il est dans l'intérêt de la France de nous garder en position d'éternels accusés'", *Jeune Afrique*, 26 December 2016.

[98] "France should come clean on genocide, says Mushikiwabo", *The New Times*, 12 October 2017. Also see "New witness strains Rwanda-France ties over genocide", *The East African*, 22 October 2017.

[99] "Le Rwanda met la pression sur Emmanuel Macron pour régler le contentieux lié au génocide", *Le Monde*, 29 October 2017.

The conflict is not just between two states, it is as much Franco-French. An opinion critical of "*La Françafrique*" –referring to close neo-colonial ties between French political and military officials and African leaders, particularly in West Africa– that existed well before the genocide, found in the Rwandan case an excellent illustration of the excesses of French policies.[100] Others stood up to defend "*l'honneur de la France*".[101] Claudine Vidal has well analysed the nature of this heated debate.[102] More recently, the debate has gradually adopted the logic of "the enemy of my enemy is my friend". For instance, those criticising the RPF have not only been accused of genocide denial, but were also placed in the camp of the defenders of France's honour.[103] Both sides are clearly delineated: Dupaquier, Malagardis, Ba, de Saint-Exupéry, Ancel, Gauthier, and Association Survie, among others, in the camp of the accusers, Dupuis, Hogard, Péan, Lugan, Védrine, and Robardey, among others, in that of the defenders, with some (e.g. Guichaoua, Le Pape, Smith and Vidal) uncomfortably in between. These groups publish, often aggressive, op-eds in newspapers and organise conferences attended by the convinced, thus making any progress in the debate impossible. The polarisation is such that Deguine understandably wondered whether it is "still allowed to talk about Rwanda".[104]

In the meantime, Rwanda's usual allies are losing patience with Kagame's autocratic drift. The severe position of US Acting Assistant Secretary for African Affairs Donald Yamamoto was mentioned earlier. The UK High Com-

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[100] For an early example, see VERSCHAVE, F.-X., *Complicité de génocide? La politique de la France au Rwanda*, Paris, La Découverte, 1994. Verschave was one of the leading figures of Survie, an association that actively fights *La Françafrique*.

[101] E.g. DEBRE, B., *Le retour du Mwami. La vraie histoire des génocides rwandais*, Paris, Ramsay, 1998. Debré was Minister of Cooperation in 1994-1995.

[102] See e.g. VIDAL, C., "Du soupçon civique à l'enquête citoyenne: controverses sur la politique de la France au Rwanda de 1990 à 1994", *Critique internationale*, n° 36, 2007, pp. 71-84; VIDAL, C., "La politique de la France au Rwanda de 1990 à 1994. Les nouveaux publicistes de l'histoire conspirationniste", *Les Temps Modernes*, n° 642, 2007, pp. 117-143.

[103] This was made very clear when a sharp controversy started in September 2017 about a book I published in April that year (REYNTJENS, F., *Le génocide des Tutsi au Rwanda*, Presses universitaires de France, 2017). A "collectif" published an op-ed accusing me of "indirectly" denying the genocide ("Rwanda: le 'Que sais-je?' qui fait basculer l'histoire", *Le Monde*, 25 September 2017). A week earlier, Survie published an accusation along the same lines ("Les malversations intellectuelles du professeur Reyntjens", 19 September 2017), followed by another one in early October ("Quand Filip Reyntjens pervertit l'histoire du génocide", 3 October 2017). Others took my defence against these violent attacks (see e.g. VIDAL, C., LE PAPE, M., "Réponse à un procès sans instruction contre le 'Que sais-je?' de Filip Reyntjens", *Mediapart*, 30 September 2017; TISSOT, R., "Rwanda: Dans quelles conditions les sciences sociales produisent-elles du savoir?", *Mediapart*, 5 October 2017; LE PAPE, M., "Ecrire sur le Rwanda: les compagnons de route du président Kagame", *The Conversation*, 19 October 2017; BRADOL, J.-H., "Les amis démocrates des dictateurs", *Marianne*, 27 October 2017). I responded myself in "Le difficile débat sur le Rwanda en France", *Mediapart*, 11 October 2017.

[104] DEGUINE, H., "Peut-on encore parler du Rwanda?", *Médias*, n° 16, Spring 2008, pp. 70-74.

missioner in Kigali expressed concern about "the targeting of opposition figures"[105], while the British press became increasingly outspoken on Rwanda's record.[106] On 5 October 2016, the European Parliament adopted a very critical resolution demanding the Commission to review its aid relationship.[107] This led to an angry reaction of the Rwandan parliament[108] and led to a deterioration of EU-Rwanda relations.[109] Such criticisms cause anger in the Rwandan leadership. In September 2017, Kagame rejected the "lessons in democracy" of Western powers and blamed them for applying double standards[110], while foreign minister Mushikiwabo tweeted angrily about "these little whites" meddling in the affairs of Africa (28 July 2017).

7. CONCLUSION

Despite their rhetoric, donors accept "development without democracy". Reasons identified in the literature include security concerns, commercial interests, expectations about the effectiveness of sanctions, regional stability, the level of recipient aid dependency, recipient countries' linkage to the international community or political ties to donors, regimes' claims to domestic legitimacy, and a sense of fatigue with representative democracy, seen to engender conflict and chaos.[111] Both inside the country and externally, Rwanda's governance style is presented as a necessary trade-off between delivery/development and human rights/democracy, where the latter must yield to the former, at least for the time being. Amartya Sen has, however, argued that development and freedom cannot be separated from one another.[112] The combination of both is also a condition for the sustainability of the developmental state, and here lies the weakness of the "Rwandan model". The RPF has turned citizens into apolitical beings, not unlike colonial systems did. Although

[105] Statement by William Gelling at the International Day of Democracy, 15 September 2017.
[106] See for instance, just in July and August 2017, "The hard man of the hills", *The Economist*, 15 July 2017; "New foreign aid outrage: Scandal as £64m of your money is given to dictator in Rwanda", *Express*, 24 July 2017; "Britain gives £64million in foreign aid to despot Rwanda dictator", *The Sun*, 24 July 2017; "Corrupt Rwanda still has millions in British aid on tap", *The Times*, 31 August 2017.
[107] "EU renews call for review of Ingabire's trial", *The East African*, 9 October 2016.
[108] "Parliament asks European MPs to withdraw biased resolution on Rwanda", *The New Times*, 11 October 2016.
[109] "EU-Rwanda relations remain frosty amid claims of dictatorship", *SAT Press Release*, 15 December 2016.
[110] "A New York, Kagame rejette les leçons de démocratie des pays occidentaux", *Jeune Afrique*, 21 septembre 2017.
[111] HAGMANN, T., REYNTJENS, F., "Introduction: aid and authoritarianism in sub-Saharan Africa after 1990", in HAGMANN, T., REYNTJENS, F. (eds.), *Aid and Authoritarianism in Africa. Development without Democracy*, London, Zed Books, 2016, pp. 1-19.
[112] SEN, A., *Development as Freedom*, New York, Oxford University Press, 1999.

they have never –during precolonial, colonial and post-independence days– enjoyed political rights, in all likelihood Rwandans desire a say in how their future is built beyond mere "delivery".

Despite the regime's public optimism about the success of reconciliation after the genocide, Rwanda remains a deeply divided society. While these divisions cannot be expressed inside Rwanda[113], they show anecdotally but tellingly in manifestations like the *Kwibuka* commemorations and the annual Rwanda Days organised abroad, in which very few Hutu (and Tutsi opponents) participate. At the 2017 presidential poll, the diaspora was credited with 95.58 percent of votes in favour of Kagame, but the vast majority entitled to vote did not bother to register. Exchanges on social media are virulent and often cast in abusive and aggressive tones.

The regime of course realises this, and knows it is facing increasing threats. These include the prospect of a decrease in much-needed international aid[114], deteriorating macro-economic performance, the bursting Kigali real estate bubble, growing intra-regime tensions and discontent in the Tutsi community, failing regional political and military policies, and increasing international criticism. All this has led to growing isolationism under the guise of "Pan-Africanism" and *agaciro* (dignity). It also explains why, rather than relaxing after his electoral victory, Kagame has cracked down on forces he sees as opposing him. It is unclear to what extent he himself thinks that the outcome of the August 2017 poll is a genuine indicator of popular (and, more importantly, elite) support. As Anjan Sundaram wrote, "[t]he threat to Rwanda, as in many dictatorships, may lie in the degree to which Kagame believes his own words".[115] If he misreads the mood, the greatest risk to his rule may well come from his own circle.

Antwerp, December 2017

[113] According to the (official) Rwanda Reconciliation Barometer, 92.5 percent of Rwandans feel that unity and reconciliation have been achieved.
[114] Not so much as a result of sanctions, but because of budgetary cuts across the world.
[115] SUNDARAM, A., "Rwanda: Kagame's Efficient Repression", *New York Review of Books*, 4 August 2017.