

Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; and the Special Rapporteur on the situation of human rights defenders

REFERENCE: UA
RWA 2/2014:

8 December 2014

Excellency,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on Arbitrary Detention; Special Rapporteur on the rights to freedom of peaceful assembly and of association; and Special Rapporteur on the situation of human rights defenders pursuant to Human Rights Council resolutions 24/7, 24/5, and 25/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **arrests, warrants for arrests and detentions of ousted members of the non-governmental organization (NGO) Rwanda League for the Promotion and Defense of Human Rights (LIPRODHOR)**

LIPRODHOR was the subject of an earlier communication sent by the Special Representative of the Secretary General on the situation of human rights defenders on 15 July 2004, case no. RWA 3/2004. We regret that the Government has not responded to this communication.

According to the information received:

On 21 July 2013, the board of LIPRODHOR was ousted during a disputed general assembly meeting. Its members claimed that they had not been informed that the meeting would be held, that the meeting did not meet quorum requirements, and that the meeting conflict should have been resolved by the organization's internal conflict resolution organ.

On 24 July 2013, the Rwanda Governance Board -the authority in charge of registering, granting legal personality and monitoring the functioning of national NGOs- formally recognized LIPRODHOR's new leadership, despite being alerted of the situation by the ousted leadership.

On 21 November 2014, the police arrested Mr. **Evariste Nsabayeze** and Mr. **Daniel Uwimana**, both ousted members of LIPRODHOR, and charged them with forgery and usage of forged documents.

At the time of their arrest, Messrs. Nsabayeze and Uwimana were intending to attend the general assembly meeting convened by the ousted board of LIPRODHOR on 23 November 2014.

The same week, the police arrested another ousted member of LIPRODHOR, Mr. **André Bigirimana**. He reportedly continues to be detained to date at Kicukiro Police station.

On 22 November 2014, the mayor of Nyarugenge reportedly prohibited the holding of the general assembly meeting of the ousted board of LIPRODHOR.

On 24 November 2014, Mr. Nsabayeze was reportedly released and Mr. Uwimana was transferred to the district tribunal of Nyarugenge and is being kept in detention to date at Nyamirambo police station.

Other ousted members of LIPRODHOR, namely Mr. **Jean Faustin Kalibanyi**, Mr. **Innocent Maniriho** and Mr. **Jean Bosco Tuganumuremyi**, have reportedly received warrant of arrests in the days that preceded this communication.

Serious concern is expressed about the reported arrests and detentions of Messrs. Uwimana, Bigirimana and Nsabayeze and warrant of arrests of Messrs. Kalibanyi, Maniriho and Tuganumuremyi, allegedly to prevent them from attending the general assembly meeting convened by the ousted board of LIPRODHOR, which would constitute prima facie violations of the right to freedom of association, as established in article 22 of the International Covenant on Civil and Political Rights (ICCPR), acceded by Rwanda on 16 April 1975. Further concern is expressed at the continued detention of Messrs. Uwimana and Bigirimana, which appear to be in contravention of the right not to be deprived arbitrarily of their liberty as set forth in article 9 of the ICCPR. Moreover, concern is expressed that through the reported formal recognition of LIPRODHOR's disputed new leadership, the Rwanda Governance Board appears to have unlawfully interfered with the right of associations to freely determine their own boards, status and activities. Concern is expressed about the restrictive and deterring effect of these measures on the enjoyment of the right to freedom of opinion and expression in the country, as established in article 19 of the ICCPR.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the individuals mentioned in this letter in compliance with international instruments.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comments you may have on the above-mentioned allegations.
2. Please provide information on the legal procedure and grounds invoked for arresting and detaining Messrs. Nsabayezu, Uwimana and Bigirimana and for issuing arrest warrants for Messrs. Kalibanyi, Maniriho and Tuganumuremyi; please indicate how these measures are compatible with Rwanda's international obligations, in particular concerning the rights to freedom of association and freedom of opinion and expression, as well as the right not to be arbitrarily deprived of liberty, as enshrined in the Universal Declaration of Human Rights and the ICCPR.
3. Please indicate what measures have been taken to ensure that human rights defenders and NGOs in Rwanda can freely operate in a safe and enabling environment and can carry out their legitimate activities without interference from public authorities and fear of harassment, stigmatization or criminalization of any kind.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

Mads Andenas
Chair-Rapporteur of the Working Group on Arbitrary Detention

Maina Kiai
Special Rapporteur on the rights to freedom of peaceful assembly and
of association

Michel Forst
Special Rapporteur on the situation of human rights defenders