

**Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the situation of human rights defenders**

Ref.: AL RWA 1/2023  
(Please use this reference in your reply)

22 December 2023

Excellency,

We have the honour to address you in our capacities as Working Group on Arbitrary Detention; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Special Rapporteur on the situation of human rights defenders, pursuant to Human Rights Council resolutions 51/8, 52/9 and 52/4.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the detention and alleged acts of torture and ill-treatment in detention of human rights defender Mr. Aimable Karasira, after he spoke about losing family members both to Hutu extremists and to the Rwanda Patriotic Front (RPF) in 1994 on his YouTube channel, "Ukuri Mbona" (The Truth as I See It).

Mr. **Aimable Karasira** is a Tutsi genocide survivor, human rights defender, and former communication technology professor at the University of Rwanda.

According to the information received:

In July 2020, after expressing critical views about the genocide, Mr. Aimable Karasira became the subject of various forms of intimidation and harassment. The Culture and Youth Minister alleged on social media that Mr. Aimable Karasira should not be allowed to teach. On 14 August 2020, Mr. Karasira was dismissed from the University of Rwanda, for "the expression of attitudes and opinions through controversial statements," and "spreading information intended for inciting people to dislike or dishonor your institution and public institutions in general".

On 8 December 2020, Mr. Karasira announced in a YouTube video that he had been summoned to the Rwanda Investigation Bureau (RIB) office where he was told to cease speaking about the genocide in Rwanda on his social media platforms.

On 30 May 2021, Mr. Aimable Karasira published a video on his YouTube channel in which he gave the details of his family's history, contending that his mother may have been killed in 1994 by the RPF, as she allegedly witnessed their crimes. He further alleged that he was prevented from receiving the benefits afforded to genocide survivors after the genocide, due to his family's history.

On 31 May 2021, the RIB reportedly announced the arrest of Mr. Aimable Karasira for offences contained under Rwanda's genocide ideology law. He is reportedly being held at Mageragere prison in Kigali (officially known as

Nyarugenge prison).

During his pre-trial hearing on 27 July 2021, the prosecution cited one of Mr. Aimable Karasira's interviews to support the alleged charges of genocide denial and justification, and divisionism. The prosecution also cited excerpts from an interview with Mr. Aimable Karasira and a journalist who runs a YouTube channel, on 23 May 2021. Furthermore, the prosecution reportedly contended that Mr. Aimable Karasira's statement, alleging that the downing of the then-President Juvénal Habyarimana's plane in April 1994 "became the trigger point for the genocide," constitutes genocide denial.

The prosecution also alleges that Mr. Aimable Karasira's claim that the RPF attacking Rwanda prior to the genocide is a justification for the genocide, and his statement that "Rwanda was not liberated (by the RPF) ... we [the survivors] became their sacrifice" to justify their rule, constitutes divisionism.

On 30 May 2022, Mr. Aimable Karasira told the judge that he was tortured in detention and denied medical treatment for his diabetes and mental health issues. He is reportedly being subjected to sleep deprivation, exposure to light and loud noises, and physical beatings. In a 7 July 2022 court appearance, he alleged that he was beaten again for revealing his treatment in detention. Reportedly, while Mr. Aimable Karasira was initially being tried by the Tribunal de Grande Instance de Nyarugenge, his case was transferred to the High Court's Special Chamber for International Crimes and Cross-border Crimes, created to try genocide cases.

In April 2023, the judges on Mr. Aimable Karasira's case reportedly ordered an assessment of his mental health to be carried out. The first request was allegedly denied due to procedural issues of only one mental health professional being present to assess Mr. Aimable Karasira. Examinations of his mental health were reportedly carried out between 27 April and 4 May 2023. At the time this communication was sent, his trial was still ongoing.

Without prejudging the accuracy of the above information, we wish to express our concerns regarding the arrest, detention and legal action against the human rights defender Mr. Aimable Karasira, as well as his dismissal from the University of Rwanda, in retaliation of the exercise of his freedom of opinion and expression.

The above allegations also raise serious concerns about the physical and psychological integrity of Mr. Aimable Karasira, due to the torture and ill-treatment that he was allegedly subjected to during his detention. We are further concerned at the lack of adequate medical care provided to him for his pre-existing health conditions.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

We are issuing this appeal in order to safeguard the rights of the abovementioned individuals from irreparable harm and without prejudging any eventual legal determination.

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/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information on the factual and legal grounds for the arrest and detention of Mr. Aimable Karasira and how these measures are compatible with international norms and standards as stated in the below Annex.
3. Please provide detailed information on the state of health of Mr. Aimable Karasira and on the measures taken to ensure that he has access to medical care and treatment as needed.
4. Please explain how Mr. Aimable Karasira's treatment and conditions of detention are compliant with international norms and standards, notably the Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules). In particular, how is the Government upholding its responsibility to provide adequate medical care.
5. Please provide information about measures taken to ensure that academics in Rwanda can carry out their professional activities in line with international human rights standards and in a safe and enabling environment without fear of harassment, criminalisation, or acts of intimidation of any kind, including threats to their life.
6. Please indicate the administrative, judicial or other mechanisms through which Mr. Aimable Karasira and his family may seek remedies for their loss and harms suffered, and whether and what remedies have been provided to them in this case.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

Further, we would like to inform your Excellency's Government that after having transmitted the information contained in the present communication to the Government, the Working Group on Arbitrary Detention may also transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. The present communication in no way prejudices any opinion the Working Group may render. The Government is required to respond separately to the present communication and the regular procedure.

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(s) responsible for the alleged violations.

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

Matthew Gillett  
Vice-Chair on Communications of the Working Group on Arbitrary Detention

Irene Khan  
Special Rapporteur on the promotion and protection of the right to freedom of opinion  
and expression

Mary Lawlor  
Special Rapporteur on the situation of human rights defenders

## Annex

### Reference to international human rights law

In connection with the above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above. In particular, the facts alleged, if proved correct, appear to be in contravention of articles 7, 9 and 19 of the International Covenant on Civil and Political Rights (ICCPR), acceded to by Rwanda on 16 April 1975.

We would like to refer your Excellency's Government to article 9 of the Universal Declaration of Human Rights (UDHR), prohibiting arbitrary detentions, and article 9 of the ICCPR, enshrining the right to liberty and security of person. The latter establishes, in particular, that no one shall be deprived of his or her liberty except on such grounds and in accordance with such procedure as are established by law. We would like to further remind your Excellency's Government that the right to challenge the lawfulness of detention before a court, protected under article 9 of the ICCPR, is a self-standing human right and a peremptory norm of international law, which applies to all forms of deprivation of liberty and the absence of which constitutes a human rights violation.<sup>1</sup> It is a judicial remedy designed to protect personal freedom and physical integrity against arbitrary arrest, detention, including secret detention, exile, forced disappearance or risk of torture and other cruel, inhuman or degrading treatment or punishment. It is also a means of determining the whereabouts and state of health of detainees and of identifying the authority ordering or carrying out the deprivation of liberty.<sup>2</sup> In its jurisprudence, the Working Group on Arbitrary Detention has also reiterated that giving prompt and regular access to family members, and to independent medical personnel and lawyers, is an essential and necessary safeguard for the prevention of torture as well as protection against arbitrary detention and infringement of personal security.<sup>3</sup>

We would like to recall article 19 of the ICCPR, concerning the right to freedom of opinion and expression. The freedom to form an opinion and to develop it through reasoning is considered absolute (A/75/261, paragraphs 16 and 17). According to the Special Rapporteur on the right to freedom of opinion and expression, States have, in this context, a positive obligation to create a protective and autonomous institutional environment for individuals to seek, receive and impart information and ideas (paras. 10 and 56). To this end, States should not retain excessive powers over the recruitment of institutional management personnel; otherwise, it would be incompatible with academic standards and reflect political control rather than the advancement of learning (paras. 12 and 34). Academic institutions should retain autonomy in their administrative, financial, pedagogical and disciplinary functions, but should also adopt and implement policies that ensure protection of the free expression rights of members of their communities, resisting official or social pressure and institutionally pledging compliance with human rights (para. 13).

In its General Comment no. 34, the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of

---

<sup>1</sup> See A/HRC/30/37, paras. 2, 3 and 11.

<sup>2</sup> See A/HRC/30/37, para. 2.

<sup>3</sup> See Opinion No. 87/2020, para. 116.

expression, including inter alia ‘political discourse, commentary on one’s own and on public affairs, canvassing, discussion of human rights, journalism’. Furthermore, the Human Rights Committee made clear that “It is not compatible with article 19 paragraph 3, for instance, to invoke such laws to suppress or withhold from the public information of legitimate public interest that does not harm national security or to prosecute journalists, researchers, environmental activists, human rights defenders, or others, for having disseminated such information”. Article 19 requires the States to guarantee the right to freedom of expression (Id.). It is the States’ duty to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (para. 23). Additionally, as per the jurisprudence of the Working Group on Arbitrary Detention and General comment no. 35, detention of an individual as punishment for the legitimate exercise of rights guaranteed by the Covenant is arbitrary (CCPR/C/GC/35).

In this connection, the Human Rights Committee in General Comment no. 34 has also held that not “under any circumstance, can an attack on a person, because of the exercise of his or her freedom of opinion or expression, including such forms of attack as arbitrary arrest, torture, threats to life and killing, be compatible with article 19”. Attacks on journalism are fundamentally at odds with protection of freedom of expression and access to information. Governments have a responsibility not only to respect journalism but also to ensure that journalists and their sources have protection through strong laws, prosecutions of perpetrators and ample security where necessary (A/HRC/71/373, para. 35).

We would like to draw your attention to article 13 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified by Rwanda on 16 April 1975, which recognizes the right of everyone to education. As the Committee on Economic, Social and Cultural Rights has noted, the right to education can only be enjoyed if it is accompanied by academic freedom for staff and students. Accordingly, although the issue is not explicitly mentioned in article 13 of the ICESCR, staff and students throughout the education sector are entitled to academic freedom. Members of the academic community, individually or collectively, are free to pursue, develop and transmit knowledge and ideas, through research, teaching, study, debate, documentation, production, creation or writing.

We would like to stress that each Government has the obligation to protect the right to physical and mental integrity of all persons. The prohibition of torture and other cruel, inhuman or degrading treatment or punishment, as an international norm of jus cogens, is reflected *inter alia*, in article 5 of the Universal Declaration of Human Rights (UDHR), articles 1, 2 and 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and article 7 of the ICCPR. In this respect we note that Human Rights Council Resolution 16/23, paragraph 7(b), urges States to hold responsible not only those who perpetrate torture, but also those “who encourage, order, tolerate or perpetrate such acts [...], to have them brought to justice and punished in a manner commensurate with the gravity of the offence, including the officials in charge of the place of detention where the prohibited act is found to have been committed”.

Furthermore, we would like to bring to the attention of your Excellency’s Government the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as

the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms.

We recall in particular article 6 (b) and (c) of the UN Declaration on Human Rights Defenders, which affirms the right of all people to freely publish, impart or disseminate to other views, information and knowledge on all human rights and fundamental freedoms and to study, discuss, form and hold opinions on the observance, both in law and in practice, of these rights and freedoms and to draw public attention to those matters.