

## **PRELIMINARY REPORT ON THE SITUATION OF HUMAN RIGHTS IN RWANDA DURING THE COVID-19 PANDEMIC PERIOD: SUMMARY**

Basically, human rights have to be respected at all times including during peace, war and pandemic time. However, some limitations of their enjoyment may be observed in some situations, as it is the case in the current health crisis caused by Corona virus, at a global level, due to preventive and protective measures taken by the States towards saving lives. This crisis was quickly transformed into a human rights crisis which attracted the attention of human rights actors to think about the respect of human rights during COVID 19 period.

Pursuant to the Law no 61/2018 of 24/08/2018 modifying the law no 19/2013 of 25/03/2013 determining missions, organisation and functioning of the National Commission for Human Rights (NCHR) in its article 1(3o), the NCHR initiated the monitoring of the respect of human rights since the outbreak of COVID 19 pandemic.

It is in that context, that given the extent of COVID 19 pandemic on lives in general, the NCHR conducted a survey to assess the prevailing situation of human rights in Rwanda, so that the findings would help the Commission to advice relevant authorities accordingly.

The monitoring focused on emerging Human Rights issues in connection with the right to life, the right to freedom of movement and residence, the right to freedom of expression, the right to due process of law, the right to physical and mental integrity and the right to an adequate standard of living. A final comprehensive report that will capture the general human rights situation including the right to health will be published in due course.

### **THE RIGHT TO LIFE**

Concerning the right to life, the NCHR investigated the death of two (2) persons (Nyirimana Jean Claude and Nyandwi Emmanuel), allegedly shot dead by a police officer in Nyanza District, Nyagisozi Sector, Kabuga Cell, Nyamitobe Village, in March 2020. The NCHR finds that both persons were allegedly shot by the Police

Officer, IP Gilbert GATERA, who was on duty. According to collected information, the case was reported to and investigated by the Rwanda Investigations Bureau (RIB) and subsequently, the file was transmitted to the National Prosecution Authority for prosecution.

The NCHR was informed that the suspect is being prosecuted and that the Court found that there were compelling grounds to believe that the suspect committed manslaughter and that he should be remanded in custody for a period of thirty (30) days.

## **THE RIGHT TO FREEDOM OF MOVEMENT AND RESIDENCE**

During the monitoring of this particular right, the NCHR's officials visited Rusumo border in Kirehe District, "*La Corniche*" and "*Petite barrière*" borders in Rubavu District to monitor the respect of the right of Rwandans and residents who were abroad to return to their Home Country when the lockdown measures were being implemented, including the closure of borders, entered into force. The NCHR found that the right of Rwandans to return in their Country was respected and returnees, indiscriminately Rwandans and foreign residents, were directed to isolation sites where the government covered all their stay expenses for a period of 14 days, for screening purposes and this was done as a preventive measure before they were released to go back in their countries.

Besides, the Government availed a weekly flight to repatriate Rwandans who were stuck abroad because of COVID-19. The NCHR also found that the right of foreigners to leave Rwanda was respected and this was facilitated by the collaboration between Rwanda and foreign diplomatic missions in the Country. It is in that context that Congolese citizens, who were stuck in Rwanda, were facilitated to return home and some flights to Europe have been organized or facilitated to repatriate Europeans and bring back Rwandan nationals to their Country.

Regarding the right to freedom of movement on Rwandan territory, the NCHR found that people were required to stay at home, except those providing and looking for essential goods and services both within the Country and across borders. Considering the evolution of the situation, restrictions were progressively alleviated

from total lockdown to lockdown lifting whereby people were allowed to resume their work and intra-province movements, among others, respecting COVID-19 pandemic measures.

During the total lockdown, the NCHR found that in Kigali, people breaking COVID-19 pandemic preventive measures were taken to AMAHORO, ULK, IPRC KICUKIRO, and NYAMIRAMBO stadium, while in RUBAVU District, they were taken to UMUGANDA stadium. People were screened and those with valid reasons were released after being sensitized on the importance of respecting preventive and control measures.

During the lockdown lifting period, the NCHR found that persons moving without putting on facemasks and breaching curfew rules were taken to different stadiums for some hours to be sensitized on the reasons why they should comply with preventive and control measures and were later released. Trucks carrying goods were allowed to move within the Country and across borders. The NCHR noted that efforts to prevent COVID-19 pandemic include the construction of KIYANZI dry part in KIREHE District, where all custom services were deployed to the site, isolation centres for cross border truck drivers were also put in place and inter-province shipments among others.

### **THE RIGHT TO FREEDOM OF EXPRESSION.**

The NCHR found that, during COVID-19 pandemic period, while other sectors were put on hold, the local media kept the public informed, educated and entertained.

The Rwanda Media Commission(RMC) monitored and carried out an assessment of sampled media outlets. That assessment revealed that some media outlets were very sensitive with exaggeration of facts, which is against professional ethics. Starting from that, the RMC intervened by drafting guidelines for editorial guidance and safety journalists engaged in coverage of the pandemic.

Starting from allegations that some of the 'journalists' were said to have abused their permission to work and to have disobeyed the lockdown regulations, the NCHR carried out investigations on cases of 'journalists' who were detained because of infringing rules and regulations relating to their profession.

Concerning the ‘journalist’ whose name is NSENGIMANA Théoneste, the owner of a tabloid website UMUBAVU and You tube channel UMUBAVU TV, the NCHR found that he was arrested on April 12, 2020, accused of seeking false information from citizens of NYAGATOVU, in KIMIRONKO Sector, GASABO District, to testify that they were given food, yet they didn’t. The NCHR found that he was accused of promising to give them the equivalent of 20 euros and in return they would allow him to take videos to be shared with foreign donors.

As for BYIRINGIRO David and MUHIRWA Innocent Valentin, bloggers at AFRIMAX You tube channel, were accused of engaging them in activities of giving out food relief and gathering people without prior authorization to do so, which was considered as a violation of lockdown rules, by exposing the population to the risk of being infected by coronavirus.

Other journalists such as, BAGIRUWULUSA Eric(VOA), GAHAMANYI John (The New Times), MUGISHA Ivan (Eastern African News Paper) and BUTERA Saul (Bloomberg Freelancer) were detained for breaking lockdown and traffic rules and were later released.

The NCHR found that the arrest of the above said “journalists” and bloggers was not connected with the journalism profession, but they were accused of violating COVID-19 pandemic rules and committing other offenses.

## **THE RIGHT TO DUE PROCESS OF LAW**

The NCHR investigated the arrest and detention processes in the RIB stations of Rwezamenyo, Kimironko, Remera and Kicukiro in the City of Kigali. After interviews with RIB stations officials and the detainees themselves, the NCHR noted that during the period of COVID-19 pandemic, all alleged offenders were treated through normal procedures of arrest including being legally arrested, detained in official detention cells and informed of the nature of their charges.

Besides, the NCHR found that, to avoid congestion in RIB stations, due to suspension of direct Court sessions during the COVID 19 pandemic total lockdown, the National Public Prosecution Authority, in collaboration with RIB and RNP, provisionally released 1,182 detainees on 9<sup>th</sup> April and 1,673 others on 27<sup>th</sup> April

2020, from different RIB stations countrywide. Those who were released provisionally include those accused of petty offences, the minors, mothers with infants and those who paid fine without being tried.

In the judiciary, the NCHR found that a number of cases were prosecuted, but were not heard by Courts because they were not functioning during some time. However, the NCHR later witnessed an alternative practice of video conference and skype as a newly used IT tools to hear cases and conduct judgement pronouncements countrywide, where necessary. The NCHR noted that this initiative has the importance to speed up the judgement process, to solve the problems of detainees' transportation to Court for hearings and also the detainees to stay indoors and avoid external contact which could increase the risks of contamination of COVID-19. The NCHR also noted that the Courts observe the right of suspects to be assisted by their legal Counsels and that detainees at RIB stations, who were sentenced to imprisonment, had to be first tested for coronavirus before being transferred to prisons and this took time to be done in some situations.

In general, the NCHR noted that during the COVID 19 pandemic period, the right to due process of law remains upheld and respected despite a few observed challenges that need to be addressed.

## **THE RIGHTS TO PHYSICAL AND MENTAL INTEGRITY**

A far as the rights to physical and mental integrity are concerned, it is crucial to mention that gender-based violence has to be taken into account while protecting the population from human rights violations or abuses.

It is against this framework that the NCHR investigated alleged cases of rape and other violations of human rights in Kangondo II Village, Nyarutarama Cell, Remera Sector, Gasabo District, City of Kigali. Three (3) women from that village reported to the NCHR that solders enforcing lockdown measures raped them and stole goods (including cell phones) in the neighbourhood and beat people.

Investigation on that case by the NCHR was done to verify the facts on the alleged offences.

The NCHR found that the mentioned soldiers alleged to have committed rape in Kangondo II Village, are still being prosecuted and that victims are taken care of by the Ministry of Defence.

In order to provide medical care and psycho-social support to the alleged victims, the Rwanda Defence Forces (RDF) Authorities evacuated three (3) alleged victims of rape to Isange One stop centre (Kanombe) for treatment and psycho-social counselling while alleged victims of assault were given first aid by 204 Brigade medical officers, then four (4) of them were transferred to Rwanda Military Hospital for further treatment.

As for looting of cell phones, the Ministry of Defense (MINADEF) facilitated the return of the said cell phones to victims in terms of money equivalent to their respective values.

In order to calm the situation of the alleged victims and neighbouring families, RDF Authorities and local leaders organized several security meetings with the population of Kangondo II and the patrols were intensified.

## **THE RIGHT TO AN ADEQUATE STANDARD OF LIVING**

The NCHR monitored the respect of the right to food during the lockdown period in the City of Kigali, in Nyanza, Kirehe and Rubavu Districts. The NCHR found that the lockdown, which was one of the strategies to curb the spread of COVID 19, was among constraining factors for a number of persons working in the informal sector and all those who earn daily income to meet their basis needs.

The NCHR found that the Ministry of Local Government, in close partnership with other institutions and the well-to-do citizens, provided foodstuffs and other basic domestic items to the needy persons, in accordance with pre-established criteria and regulations. For example, according to the Ministry of Local Government's report, as of 1<sup>st</sup> May 2020, out of 215,052 targeted households in the City of Kigali, 213,162 of them, that is 99%, were given foodstuffs from the National Strategic Grains Reserve in the Ministry of Agriculture and Animal Resources, besides food relief donated by other stakeholders and the well-to-do citizens. It is worth mentioning that, even needy foreigners who reside in Rwanda received foodstuff.

The NCHR found that there were some cases where grassroots community leaders who deviated food support dedicated to the above-mentioned persons were sanctioned.

Furthermore, the NCHR noted that from the 16<sup>th</sup> April to the 12<sup>th</sup> May 2020, the City of Kigali established a toll free telephone line (3260) for individuals who had queries and claims concerning food distribution during lockdown period. In total, 9,432 cases were received and addressed.

The NCHR noticed that the Government of Rwanda developed and adopted an economic recovery plan whose third priority is to ensure food self-sufficiency by increasing Agricultural production. Concerning the quick Win Activities, nutrition sensitive direct support and extension of food distribution and stocking up food reserves are considered as immediate relief response. The Strategic Food Reserves will help to keep enough food to mitigate any shortage due to draught, flooding and any other disasters.

## **RECOMMENDATIONS**

Based on the findings of the survey, the NCHR recommends the following:

1. The National Public Prosecution authority and the Military Prosecution Department to keep the three (3) women in Gasabo District (Kangondo) and the alleged victims' families of those shot dead by a policeman in Nyanza informed on the whole judicial process and on the right to obtain remedy;
2. The Rwanda Investigation Bureau, the Rwanda National Police and the National Public Prosecution Authority to collaborate with the Rwanda Biomedical Centres to expedite the testing of sentenced detainees awaiting transfers to prisons from RIB stations;
3. The Supreme Court and the Ministry of Justice to extend the use of online telecommunication channels as tools of justice delivery to all Courts where possible;
4. The Ministry of Finance and Economic Planning/NISR to carry out an assessment on the impact of COVID 19 Pandemic on employment (right to

work) and on the standards of living in the Country (right to an adequate standard of living).