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RWANDA

Janvier Africa, an imprisoned journalist

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Janvier Africa, a 26-year-old journalist, was arrested in Kigali, the Rwandese capital, in mid-September 1992 and detained at Kigali central prison where he is still being held without trial. A former member of the security police, he was editor-in-chief of *Umurava* newspaper which is reportedly financed by some Rwandese government and security officials. The officials are reported to have started it in order to publish their propaganda against opponents of the *Mouvement républicain nationale pour la démocratie et le développement* (MRND), National Republican Movement for Development and Democracy, one of the political parties in government and formerly in power when Rwanda was a one-party state.

Janvier Africa seems to have instead opted to use the newspaper to reveal information he had obtained as an agent of the Rwandese security police, *Service central de renseignements* (SCR), Central Intelligence Service. The most important information he revealed was the existence of death squads in Rwanda and he named some government and security officials who he claimed had been responsible for certain extrajudicial executions and had planned some others. He is reported to have been charged with "insulting the Head of State" because he claimed that those responsible for ordering human rights violations were close to President Juvénal Habyarimana.

Janvier Africa (it is not certain whether this is his real name) claimed that when he was a security agent he was a member of a secret government security organization known as *Réseau Zéro* (Zero Network), which allegedly includes some relatives of President Habyarimana. He said he had been ordered to collect information on a number of government opponents to be eliminated but that he had left *Réseau Zéro* after one of his own relatives had been killed. He claimed that the network was behind the killing of members of the minority Tutsi ethnic group by mobs of MRND supporters and others, known as *Interahamwe*, in the Bugesera region south of the capital, Kigali. The mobs, comprising members of the politically dominant majority Hutu ethnic group, were responsible for the death of an estimated 300 Tutsi in March 1992. After **Janvier Africa** had been arrested, the people he had accused of being involved in *Réseau Zéro* (whose existence has been reported by other sources too) allegedly issued death threats against him and there were reports at the end of 1992 that some people had been sent to his prison to kill him and that his life was in danger. Amnesty International has not so far been able to confirm these claims.

Janvier Africa appears to be a prisoner of conscience detained solely because, as a journalist, he exercised his right to freedom of expression and exposed human rights violations carried out by government and security officials. Amnesty International is appealing for his immediate and unconditional release.

BACKGROUND ON THE PERSECUTION OF JOURNALISTS IN RWANDA

Amnesty International is concerned about the continuing persecution of journalists in Rwanda. Following various trials before the State Security Court during the first half of the 1980s, Amnesty International called on the authorities to repeal Article 166 of the Penal Code which allowed for the imprisonment of people who had simply exercised their right to freedom of expression. The authorities, however, have not done so and this provision was still being invoked in mid-1991 to justify the imprisonment of journalists whose published or unpublished writing displeased the authorities. Under Article 166 of the Penal Code those responsible for publications considered by the authorities as having "incited or attempted to incite the public against the authorities" ("*excité ou tenté d'exciter les populations contre les pouvoirs établis*") or having "alarmed the population and thus sought to cause disturbances in Rwanda" ("*alarmé les populations et cherché ainsi à porter le trouble sur le territoire de la République*") may be charged with "endangering the security of the state" for which the penalty upon conviction is between two and 10 years' imprisonment.

At least seven journalists were charged between March and August 1990 in connection with offences related to their having exercised their right to freedom of expression and association. Most were brought to trial without having had access to legal counsel. Two prominent journalists arrested in early July 1990 were tried in August 1990 by the State Security Court mainly because of articles published by their newspapers. Five other journalists, including a Roman Catholic priest, were charged in August 1990 with sedition and were tried in September 1990 by the *Tribunal de première instance*, High Court, in Kigali.

The two journalists tried in August 1990, **Vincent Rwabukwisi** and **Hassan Ngeze**, were kept in custody after the State Security Court twice declined to pass judgment on the grounds of insufficient evidence. Following the incursion of the *Front patriotique rwandais* (FPR), Rwandese Patriotic Front, which attacked Rwanda from neighbouring Uganda, the Court re-convened in October 1990 and sentenced **Vincent Rwabukwisi** to 15 years' imprisonment for endangering the security of the state by meeting Rwandese exiles in Kenya. There was no evidence to suggest that he had any prior knowledge of the armed incursion and he appeared to be a prisoner of conscience. **Hassan Ngeze** received a one-year suspended sentence for subversion as a result of a newspaper article he had published which claimed that the Tutsi dominated the Rwandese economy. **Vincent Rwabukwisi** was released in early May 1991 pending his appeal. However, he was rearrested shortly afterwards and was due to be tried again on security charges, but these were eventually dropped as a result of a February 1992 amnesty for all people accused of political offences.

In 1991 and early 1992 there was a further series of arrests of journalists, some of whom have been brought to trial and others released, whose published or unpublished articles were considered by the authorities to be critical of government officials or policy. During the last two years numerous independent newspapers and magazines have been set up in Rwanda without government opposition or restrictions. In July 1991, **François-Xavier Hangimana**, director of the independent magazine *Ijambo* and a former prisoner of conscience, was sentenced to two years' imprisonment following his conviction on nine defamation charges, six of which pertained to alleged criticism of government officials. However, he was released in September 1991 pending appeal. At least five journalists who also appeared to be prisoners of conscience were arrested after a military communiqué criticizing Rwanda's press was issued in December 1991. Although most were released untried, **Jean-Pierre Mugabe**, editor-in-chief of *Le Tribun du peuple* newspaper, was sentenced in February 1992 to four years' imprisonment by the High Court in Kigali. He was found guilty of publishing articles and cartoons which insulted the Head of State but was provisionally released in April 1992 pending an appeal hearing which has not yet taken place. The journalists who were arrested in December 1991 were subjected

to beatings and other forms of ill-treatment at the time of their arrest and while in the custody of the security services.

Two other journalists on independent newspapers, **André Kameya**, editor-in-chief of *Rwanda Rushya* and **Théoneste Muberantwari**, editor-in-chief of *Nyabarongo*, were detained in February 1992. **André Kameya** was accused of publishing an article which reportedly alleged that the *Parti pour la libération du peuple Hutu* (PALIPEHUTU), the Party for the Liberation of the Hutu People, a prohibited political party formed by Burundi exiles, had a training base in Rwanda. He was charged with endangering the security of the state. **Théoneste Muberantwari**, who had been in hiding for two months, was arrested for publishing cartoons which allegedly insulted the Head of State. They were provisionally released in April 1992 and have not so far been tried, but could still face trial and possible imprisonment as prisoners of conscience.

This pattern of arrests appears to mark a concerted campaign by the authorities to intimidate journalists such as **Janvier Africa** and to stop them from writing articles which the Rwandese authorities consider to be critical of government officials or policy. **Janvier Africa's** arrest in September 1992 is just the latest case known to Amnesty International where the authorities have targeted a journalist for imprisonment or even possible extrajudicial execution for exercising his profession as a journalist and his basic human right to freedom of expression.

Please send appeals, if possible in French, urging the President of Rwanda to:

- release Janvier Africa immediately and unconditionally as the only reason for detaining him seems to be because he exercised his right to freedom of expression;
- ensure that journalists and other people in Rwanda are not arrested or convicted in future solely because they exercise their right to freedom of expression and association;
- ensure Janvier Africa's personal safety with regard to reports that he has received death threats from people mentioned in *Umurava* newspaper as responsible for human rights violations.

Please send appeals to the President and copy them to the other government officials listed below:

President: Prime Minister:

Son Excellence Monsieur NSENGIYAREMYE Dismas
Président Juvénal HABYARIMANA Premier Ministre
Président de la République Présidence de la République
BP 15 BP 15
Kigali Kigali
Rwanda Rwanda

Chief of Staff of the Minister of Foreign Affairs

National Gendarmerie:and Cooperation:

Monsieur le Lieutenant-ColonelMonsieur NGULINZIRA Boniface

NDINDILYIMANA AugustinMinistre des Affaires étrangères

Chef d'Etat-major de la et de la Coopération

Gendarmerie NationaleMinistère des Affaires étrangères

BP 85BP 179, Kigali

KigaliRwanda

Rwanda

Chief of Staff of the

Rwandese Armed Forces:

Monsieur le Lieutenant-Colonel

NSABIMANA Déogratias

Chef d'Etat-major des Forces

armées rwandaises

Ministère de la Défense nationale

BP 85

Kigali

Rwanda

Please also bring Janvier Africa's case to the attention of others, particularly journalists, who can appeal for his release.