

EAST AND HORN OF AFRICA HUMAN RIGHTS DEFENDERS NETWORK

Oral intervention

14th May 2010

On the occasion of the 47th Ordinary Session of the African Commission on Human and People's Rights, Banjul, The Gambia

Special Rapporteur on Freedom of Expression and Access to Information in Africa

Presented by

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Chairperson
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Madam Commissioner,

On behalf of a network of over 65 human rights organizations from the East and Horn of Africa, we would like to start off by commending the excellent work of the Commissioner. The mandate of the Special Rapporteur on Freedom of Expression and Access to information in Africa is vital given the increasing restrictions on the freedom of expression particularly in the countries that are preparing for elections.

As a network of human rights defenders working in the East and Horn of Africa region, we would like to encourage the Special Rapporteur to pay significant attention to the situation in Rwanda.

Restrictions on the freedom of expression in **Rwanda** and particularly on the private press persist as the August 2010 elections approach. The Rwandan authorities have used a range of measures to undermine the work of private media journalists notably legal, through a new media law that grants significant power to the government-aligned High Media Council, maintains defamation as a crime and makes academic qualifications a prerequisite for registration as a journalist, as well as harassment and public intimidation of critical journalists by both prominent officials as well as the pro-governmental media.

Two popular Kinyarwanda newspapers, Umuseso and Umuvigizi, have been the main targets of these measures. Both papers were in fact suspended on 13th April 2010 by the High Media Council, for six months. The legal grounding of the suspension is questionable. The six months suspension ensures that the papers will be unable to cover the elections. Umuseso's attempt to try and challenge the suspension in court received a significant blow this week- when the presiding judge postponed their case.

In a separate but ongoing process, journalists of Umuseso have been charged with defamation in relation to an article published in their newspaper. The trial is currently at the appeal stage. Added to this the Umuseso Acting Editor in Chief, Didas Gasana, was recently summoned by the Central Investigations Department (CID) to respond to allegations including insulting the head of state and inciting the armed forces into insubordination and mutiny. If found guilty the journalists would face imprisonment.

The regional media has also come under pressure from the Rwandan authorities. During a press conference on 3rd March 2010, President Kagame himself challenged the East African, a regional weekly newspaper, for an interview it made with opposition politician Victoire Ingabire and questioned why only journalists based outside of Rwanda were reporting on Rwanda in the regional press.¹

Given the importance of the elections in August, as well as limitations on all forms of independent and critical reporting in the country, seen most recently with the de-facto expulsion of the Rwanda Human Rights Watch researcher from the country, these ongoing restrictions are particularly concerning.

EHAHRDP-Net therefore calls on the African Commission on Human and People's Rights to:

- Encourage the Rwandan authorities to create space for journalists to operate in;
- Call on the Rwandan authorities to amend legislation restricting freedom of expression and the media, notably the new media law and the genocide ideology law, to ensure that it complies with the country's national, regional and international legal responsibilities;
- Calling on the Rwandan government to issue a standing invitation to the ACHPR Special Rapporteur on FOE and on HRDs.

EHAHRDP-Net also calls on the Special Rapporteur on Freedom of Expression and Access to Information in Africa to:

- o Pay specific attention to current restrictions and attacks on freedom of expression and the media in Rwanda;
- o Place a priority on visiting Rwanda either formally or informally in the near future.

Thank you for your attention.

The Gambia, May 2010

¹ Kagame hits East African, last visited 15th April 2010
http://www.eastafricapress.net/index.php?option=com_content&view=article&id=279:kagame-hits-east-african