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Johnston Busingye
Minister of Justice
Ministry of Justice
Kigali
Republic of Rwanda

June 12, 2014

Dear Minister,

I write in response to the ministry of justice's "assessment" of Human Rights Watch's work in Rwanda, which was first made known to us through publication in *The New Times* on June 2, 2014, and was then conveyed to me and to our Rwanda researcher on June 3 in a substantially similar document.

Human Rights Watch is deeply concerned by the ministry's gross misrepresentations of our work and the disparaging and unfounded comments against our staff, aired to the Rwandan press. This letter answers the most serious contentions raised, seeks a withdrawal of these misinformed accusations, and reiterates our commitment to working constructively with the Rwandan government.

Accusations of political bias and collaboration with FDLR

Human Rights Watch categorically rejects all accusations of collaboration with the Democratic Forces for the Liberation of Rwanda (*Forces démocratiques de libération du Rwanda*, FDLR) or of political bias. Human Rights Watch has never attempted to "sanitise and/or legitimize" the FDLR, nor have we ever been their "campaign mouthpiece." The public record of Human Rights Watch's work on the Great Lakes region shows that these allegations are entirely baseless.

The FDLR includes people who participated in the genocide in Rwanda in 1994 and others who have committed, and continue to commit, horrific human rights abuses in eastern Democratic Republic of Congo. As the Rwandan government is aware, Human Rights Watch has documented and denounced the FDLR's abuses in detailed

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reports and press releases,¹ repeatedly called for those responsible to be brought to justice, and testified in court about their crimes.

Human Rights Watch works to uphold the rights of all Rwandans, as enshrined in Rwandan and international law. Some of the cases we have researched in Rwanda recently involve people accused of being members or collaborators of the FDLR. The fact that Human Rights Watch reported on their unlawful detention or disappearance does not mean that we are partisan or sympathetic to their views. People do not lose their basic human rights even if their views are abhorrent or they are criminals, and Human Rights Watch stands up for the universal human rights of all people, all over the world.

Far from engaging in what the ministry of justice terms a “deliberate, sustained and politically motivated propaganda campaign against the Government of Rwanda,” Human Rights Watch has no political motivation and does not conduct propaganda against the Rwandan government or any other government. Our role is to research and expose human rights abuses and seek lawful ways of bringing these abuses to an end, regardless of the identity of the perpetrators or the victims.

Human Rights Watch has worked on Rwanda for more than 20 years, and we have documented in great detail the 1994 genocide and the events that led up to it, particularly in “Leave None to Tell the Story: Genocide in Rwanda,” a 800-page book on the genocide published by Human Rights Watch and the International Federation of Human Rights in 1999. Human Rights Watch staff also testified about crimes committed during the genocide before the International Criminal Tribunal for Rwanda.²

We are therefore sensitive to the context of events in Rwanda. However, the rights Human Rights Watch promotes are universal. We have a responsibility to apply the same rigorous methodology and objectivity in all the countries where we work in order to ensure fairness, balance, and consistency.

We believe that the ministry of justice’s ill-informed allegations regarding Human Rights Watch’s support of the FDLR and political bias are unfounded and derogatory. We therefore ask the ministry to publicly retract them.

¹ See, for example, Human Rights Watch report “‘You Will be Punished’: Attacks on Civilians in Eastern Congo”, <http://www.hrw.org/reports/2009/12/13/you-will-be-punished>, and our latest report of June 10, 2014, “Democratic Republic of Congo: Ending Impunity for Sexual Violence”, <http://www.hrw.org/node/126204>.

² To mark the 20th anniversary of the Rwandan genocide, Human Rights Watch published a briefing paper, “Justice After Genocide: 20 Years On”, <http://www.hrw.org/news/2014/03/28/rwanda-justice-after-genocide-20-years>. For other Human Rights Watch publications relating to the Rwandan genocide, please see <https://www.hrw.org/node/124219>.

Disparaging allegations against Human Rights Watch staff

For the same reason, we object to the ministry's disparaging, personalized comments about Human Rights Watch's current and former researchers and ask you to retract these too. Our researchers working in and on Rwanda uphold the organization's high standards and methodology. We stand by their work and their personal integrity, which the ministry's comments have impugned. Attempts to personalize disagreements between Human Rights Watch and the Rwandan government in this way will not deter Human Rights Watch from pursuing its work.

Inaccurate information

We wish to draw your attention to some inaccuracies and factual points in the ministry's comments, in the spirit of our Memorandum of Understanding.

With regard to the individual cases of disappearances, unlawful detentions, and other human rights abuses, we stand by our findings and are prepared to discuss with you personally any questions you may have.

The ministry's "assessment" misrepresents some of our statements on the case of Joel Mutabazi. Human Rights Watch did not assert that Mutabazi was tortured and forced to confess to crimes following his forcible return from Uganda in October 2013. The only references to torture in Human Rights Watch publications on this case relate to the period of Mutabazi's detention in military custody in Rwanda in 2010. However, we expressed concern about his well-being in November 2013, given the police's refusal at that stage to disclose his whereabouts. We maintain that Mutabazi's abduction and forcible return from Uganda to Rwanda was illegal and constituted a serious human rights violation; indeed, Ugandan authorities confirmed that the abduction and forcible return had not followed established legal procedures.

With respect to the ministry's allegation that FDLR members were instructed to "immediately inform HRW should they be suspected and/or arrested" and that an FDLR commander supplied the email address of a Human Rights Watch staff member, we have no knowledge or independent verification of this. However, it is not uncommon for groups of all kinds – including some like the FDLR who have been responsible for numerous crimes – to have contact details of international organizations, and it is easy for anyone to obtain these. The fact that some FDLR members might have had a Human Rights Watch email address or asked their members to contact Human Rights Watch does not demonstrate support from Human Rights Watch to the FDLR any more than if FDLR members were to have contact information of government officials or of a humanitarian organization, for example.

Finally, with respect to the allegation that our researcher was “assisted and facilitated by one Bahame Innocent” when investigating events in Rubavu, none of our staff has any record of meeting anyone by that name. We would appreciate it if you could inform us who this individual is and why his name is associated with us.

Human Rights Watch’s observance of the Memorandum of Understanding (MoU)

As explained in recent correspondence and meetings with your ministry, we believe we have upheld our commitments in the MoU and have engaged in a dialogue with your ministry in good faith. Indeed, over many years, successive Human Rights Watch researchers in Rwanda have always sought out dialogue with the ministry of justice and other government officials. As the ministry has acknowledged, our researcher presented information to you on a number of cases, both in writing and in person, and sought your response before the publication of Human Rights Watch documents – including, most recently, on the disappearances described in our press release of May 16. We referred to your and other officials’ responses explicitly in that press release.

Press releases, by their nature, are produced and published quickly, because they are usually responses to urgent situations, and it is therefore inappropriate to delay them for long periods while we wait for a response. Disappearances are particularly urgent as people’s lives and safety may be at risk.

The overall aim of our MoU is “to work jointly and severally to achieve broad protection of human rights in Rwanda.” Despite our recent disagreements, we still abide by the spirit of this agreement and are sincerely committed to working alongside the ministry of justice to protect and promote human rights in Rwanda.

We therefore intend to maintain an open dialogue. For our part, we remain committed to sharing information and discussing human rights concerns with you and other government officials in Rwanda.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Daniel Bekele". The script is cursive and fluid, with the first name "Daniel" and last name "Bekele" clearly distinguishable.

Daniel Bekele
Executive Director, Africa Division