

עע"ם 8101/15

קבוע לדיון ביום 15.3.16

בבית המשפט העליון בירושלים

בשבתו לבית משפט לערעורים מנהליים

תמערעים:

אלמסגד גרויסוס צגטה ושבעה אח'

כולם ע"י עו"ד ענת בן-דור ו/או אלעד כהנא

מן התכנית לזכויות פליטים

הפקולטה למשפטים, אוניברסיטת תל-אביב

טל': 03-6405246, פקס: 03-6407422

-נגד-

המשיבים:

1. שר הפנים

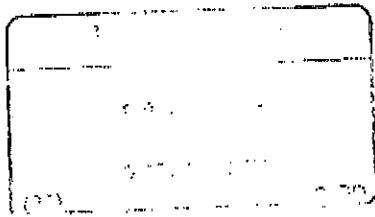
2. רשות האוכלוסין וההגירה

3. היועץ המשפטי לממשלה

4. שר החוץ

ע"י פרקליטות המדינה

רח' צלאח א-דין 29, ירושלים

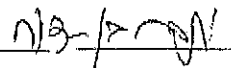


ראיות נוספות מטעם המערעים

בהתאם להתלטת כבי הנשיאה מיום 15.2.2016 מתכבדים בזה המערעים להגיש את המסמכים הנוספים כראיות התבקשה על-ידם ביום 28.1.2016.

לחלו פירוט המסמכים המצורפים בזה:

1. דיווח של נציבות האו"ם מיום 27.1.16 אודות מצבם של מספר אנשים שנשלחו מישראל לרואנדה;
2. עדכון הדיווח של הנציבות מיום 16.2.2016;
3. תצחירה של גבי סיגל רוזן (עובדת המערכת 3) אודות קורותיהם של שני אזרחי אריתריאה שנשלחו מישראל לרואנדה בסוף חודש דצמבר 2015;
4. חוות-דעת קצרה של פרופי פיליפ ריינטגניס העומדת על הקשיים בקיום מעקב עצמאי אחר הפרות זכויות אדם ברואנדה.

  
ענת בן דור, עו"ד  
ב"כ המערעים

תל-אביב, 16.2.2016.

UNITED NATIONS  
HIGH COMMISSIONER  
FOR REFUGEES

Representation in Israel



האומות המאוחדות  
הנציבות העליונה לפליטים  
הנציגות בישראל

NATIONS UNIES  
HAUT COMMISSARIAT  
POUR LES RÉFUGIÉS

Représentation en Israël

27 January 2016/HCR-8

Att. Anat Ben-Dor  
Tel Aviv University Refugee Rights Clinic

Re: Information from UNHCR concerning those relocated from Israel to Rwanda

Dear Att. Ben-Dor,

We write with respect to your request of 21 January 2016 regarding the general principles with respect to transfer agreements and the situation of Eritreans who relocated from Israel to Rwanda, to the extent UNHCR is aware, and their situation upon onward movement.

UNHCR's guidelines provide that an arrangement between States for the transfer of asylum-seekers is best governed by a legally binding instrument, challengeable and enforceable in a court of law by the affected asylum-seekers<sup>1</sup>. It should also clearly contain protection guarantees such as protection against *refoulement*; access to fair and effective procedures for the determination of refugee status and/or other forms of international protection; and treatment in accordance with accepted international standards (for example, appropriate reception arrangements; access to health, education and basic services; safeguards against arbitrary detention; identification of and assistance to persons with specific needs). **Where these guarantees cannot be met, the transfer would not be appropriate according to international refugee law standards and principles. The importance of maintaining these standards is apparent when one observes the reception accorded to those relocated to Rwanda, as is elaborated upon below. The lack of opportunity to remain or access an asylum procedure or an equivalent protective scheme results in a variety of risks, including detention and forced return to the country of origin.**

#### *Situation of relocatees in Rwanda*

1. To UNHCR's knowledge, only nine Eritreans and two South Sudanese who relocated from Israel to Rwanda, mainly in 2014, currently remain in Rwanda. Ten of these individuals are now in possession of temporary stay permits provided by the Rwandan Directorate General of Immigration and Emigration (DGIE) and are registered as asylum-seekers. As far as our Office is aware, none of these

<sup>1</sup> See UNHCR, Guidance Note on bilateral and/or multilateral transfer arrangements of asylum-seekers, May 2013, available at: <http://www.refworld.org/docid/51af82794.html>.

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Office Address: 119 Hahashmonaim St., Tel-Aviv  
Tel: (03) 5167700 Fax: (03) 5167800

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כתובת המשרד: רח' החשמונאים 119, תל אביב  
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individuals (or any other relocated individuals) have obtained other varieties of a residence permit or other documentation, including work authorization.

2. While most of these individuals were registered as asylum-seekers on 7 September 2015, their files have not yet been submitted to the Secretariat of the National RSD Committee (NRSDC) in contravention of the Rwandan Law relating to Refugees which stipulates that the DGIE should submit asylum claims to the NRSDC within 15 days from their submission. As a result of this delay, the Ministry of Disaster Management and Refugee Affairs (MIDIMAR) has not issued the attestation letters necessary for asylum-seekers in Rwanda to access any form of assistance, including being relocated to a refugee camp. Four of the ten asylum-seekers submitted letters to MIDIMAR last week, asking to be relocated to a refugee camp, as they are facing significant challenges in accessing any form of employment. Despite UNHCR's advocacy, MIDIMAR has thus far refused this request from those relocated from Israel. Without work authorization, they continue to be fully reliant on UNHCR for financial assistance.
3. While for some weeks after the Beer Sheva District Court hearing it appeared that relocated asylum-seekers would be able to secure identity documents and legal status in Rwanda, more recent reports indicate that the situation has returned to one where protection is not available. New arrivals are quickly smuggled to Uganda, regardless of whether they have indicated that they prefer to stay in Rwanda. As each individual arrived to Rwanda in groups of 6 to 18 persons, the information gathered by UNHCR encompasses several dozens of asylum-seekers. Upon arrival in Rwanda, Israeli documents are confiscated at the airport (and in respect to at least one flight, this occurred on the airport tarmac), suggesting Rwandan official involvement despite the absence of uniformed personnel. The asylum-seekers are then taken to a house in Kigali where they are kept under guard. Within a few days, often in the same or next day, they are smuggled into Uganda, including those who express a wish to remain in Rwanda.
4. The detailed account of three Eritreans interviewed while in detention in Kenya (having originally left Israel to Rwanda) is consistent with that heard from others with whom UNHCR has been able to contact after departure from Israel. A group of ten Eritreans was flown from Israel to Rwanda on 13 November 2015. Upon arrival in Rwanda at 01:00 (14 November 2015), they were separated from the other passengers, taken to a different section of the airport and told to hand in their travel documents and visas, although they had not passed through the normal Rwandan immigration authorities. Then the group of 10, including the three Eritreans with whom UNHCR spoke to whilst in detention in Kenya, were taken in two minibuses to a fenced and guarded house for the rest of the night. They were not allowed to leave the house.

5. They neither received any orientation session nor were they told about the visa process or given forms to obtain a Rwandan residence permit and work visa. Rather, they were told that staying in Rwanda is not possible and that a minibus would take them at 15.00 to Uganda. They each had to pay USD 250.00 and were then taken to the Ugandan border the same day.
6. After reaching Uganda, three sought accommodation in a refugee camp. Realizing that this is not possible, they moved on to Kenya. Rather than being transported to a camp, they were detained in Kenya's Kilimanjaro prison for illegal entry on 18 November 2015 and scheduled to be *refouled* to Eritrea on 30 November 2015. It was only through a last-minute intervention by the UNHCR office in Nairobi and our Headquarters, as well as a local lawyer that this deportation was prevented. These individuals (full identity details were provided to the Israeli Ministry of Interior on 21 December 2015) are as follows:
  - S.A.F., date of arrival in Israel: 14 December 2010
  - F.A.R., date of arrival in Israel: 5 May 2012
  - F.G.G., date of arrival in Israel: April 2010
7. The three were finally released by an order of the Kenyan High Court that set aside their deportation for 30 days to provide an opportunity for them to be registered as asylum-seekers with the Kenyan Department of Refugee Affairs. Significantly, and unlike some of those with whom UNHCR spoke, all three confirmed that they wanted to stay in Rwanda and expressed this desire to the Rwandans who came to their guest house, but were told that this was not possible.
8. The three indicated that the other seven in their group, finding no protection or documentation in Rwanda or Uganda, planned to go to South Sudan.
9. The absence of stay possibilities for those relocated to Rwanda continued in January 2016. B.O.F. was in a group of 25 (24 Eritreans, one Sudanese) who departed Israel on 6 January 2016, after he was summoned to Holot following a six-year residence in Israel. Upon landing in Kigali, the group was split into two, depending on whether they had been resident in Holot. Those who lived outside of Holot, 12 Eritreans, had their papers taken from them by three men who identified themselves as Rwandan Immigration officers and were brought to a guarded house. The next day three other men came and said they were sent by the Rwandan government to take them to Uganda. When the asylum-seekers explained that the agreement was to remain in Rwanda and that they wished to remain, the Rwandans indicated they were unaware of that possibility and left for a few hours. Upon their return, they informed the asylum-seekers that if they do not agree to travel onward to Uganda, they will be split into two groups of six and taken to another place. Fearing they

would be detained, they cooperated on the travel to Uganda. One of the three men drove them in a minibus near to the border; after a 30-minute walk over an unmarked border, they were met by Ugandans who were waiting for them and took them to Kampala. Understanding from other Eritreans in Uganda that there was no possibility to receive documents and legal status, he and another Eritrean made their way with smugglers to Kenya and then Ethiopia.

10. The 13 of the second group, former Holot residents, who arrived the same day in Rwanda were apparently kept in the Kigali airport in order to board an onward flight to Uganda, but their current fate is not known to UNHCR. However, our office in Kampala reports that the Ugandan refugee status authorities indicated that they have no obligation to offer protection to asylum-seekers relocated from Israel.

UNHCR shared its concerns regarding the lack of protection offered to those relocated to Rwanda with the Israeli Ministries of Interior, Justice and Foreign Affairs, reminded the relevant authorities that the obligation to ensure that the relocates are protected in the receiving State is shared by the State of Israel, and expressed willingness to monitor the implementation of the relocation agreement if it is to continue. Yet, the reception offered to those relocated to Rwanda has not been ameliorated as we expected after the hearing at the Beer Sheva District Court.

In sum, based on the information UNHCR has been able to collect, legal status, the opportunity to stay and access to the asylum procedure or an equivalent protective scheme in Rwanda are not available. Without both the right to work and documents to avoid arrest, only the assistance from UNHCR prevents those relocated from impoverishment. Further, the alleged organized smuggling into Uganda and, the resultant self-organized irregular travel to South Sudan and elsewhere, subjects the relocated individuals to a variety of risks amounting to *refoulement*, including prolonged detention and threat of forced return to their country of origin. In UNHCR's view, based on the above, the relocation programme as currently implemented falls short of the benchmarks put forth by the Attorney General.

Yours sincerely,

L. 99  
Walpurga Englbred  
Representative



**Copy to:**

Mr. Arye Dery, Minister of Interior  
Mr. Amnon Ben Ami, Population, Immigration and Border Authority, Ministry of Interior  
Attorney General Yehuda Weinstein, Ministry of Justice  
State Attorneys: Att. Ran Rozenberg, Att. Morla Freeman and Att. Noam Mula  
Ms. Tzipi Hotolevy, Deputy Minister of Foreign Affairs

**UNITED NATIONS**  
HIGH COMMISSIONER  
FOR REFUGEES

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**האומות המאוחדות**  
**הנציבות העליונה לפליטים**  
**הנציגות בישראל**

**NATIONS UNIES**  
HAUT COMMISSARIAT  
POUR LES RÉFUGIÉS

Représentation en Israël

16 February 2016/HCR-16

Att. Anat Ben-Dor  
Tel Aviv University Refugee Rights Clinic

Subject: Updated Information from UNHCR concerning those relocated  
from Israel to Rwanda

Dear Att. Ben-Dor,

Based on your request and further to our letter of 27 January 2016, we have now received updated information from UNHCR Rwanda concerning the efforts of the asylum-seekers who relocated from Israel to Rwanda to renew their temporary stay permits.

Three asylum-seekers, listed below, approached the Rwandan Directorate General of Immigration and Emigration (DGIE) and requested that their temporary permits be renewed, as their asylum claims are still pending adjudication. The DGIE denied their request, leaving them without valid identity documents or legal status in Rwanda.

- C. O.
- T. T.
- M. G.

Additionally, J. F., a South Sudanese asylum-seeker, had his temporary stay permit seized by a DGIE official, when he approached the Immigration Office in order to renew his document.

In light of these failed attempts to have their temporary permits renewed, the following three asylum-seekers have notified our office that they are afraid to approach the DGIE in order to request the renewal of their expired temporary stay permits:

- E.W., Eritrean national
- G.M., Eritrean national
- A.I., Ethiopian national (previously registered as Eritrean in Israel)

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טל. 5167700 (03) פקס: 5167800 (03)

Our office has not yet managed to reach H.F., M.K., or M.Z.Y. to inquire whether they have attempted to renew their temporary stay permits, but we have no reason to believe they would be accorded different treatment.

Yours sincerely,

  
Walpurga Englbrec  
Representative



**Copy to:**

Mr. Arye Dery, Minister of Interior  
Mr. Amnon Ben Ami, Population, Immigration and Border Authority, Ministry of Interior  
State Attorneys: Att. Ran Rozenberg, Att. Moria Freeman and Att. Noam Mula  
Ms. Tzipi Hotolevy, Deputy Minister of Foreign Affairs

## תצהיר

אני הח"מ, סיגל רוזן, נושאת תעודת זהות 022389837, לאור שהוזהרתי כי עלי לומר את האמת, וכי אתיה צפויה לעונשים הקבועים בתוק אם לא אעשה כן, מצהירה בזה בכתב כדלקמן:

1. אני עושה תצהירי זה בזמנכם לערעור על פסק הדין של כבי תשופטת ברקאי בעת"מ 5126-07-15 מיום 8.11.2015. תצהירי זה מתעד עובדות שהתורדשו לאחר מתן פסק-הדין ולאחר שניתנו חתייבויות מצד המדינה (אשר תועדו בפסק-הדין) לשפר את הליכי הקליטה של האנשים שנשלחים מישראל לרואנדה וכן את הפיקות על המהלך (יצוין כי בשלב זה מדובר באנשים העוזבים את ישראל מרצון).
2. אני משמשת כרכות מדיניות ציבורית במוקד לפליטים ולמהגרים (להלן - "המוקד"). במסגרת זאת הייתי שותפה למעקב אחר קורותיהם של מי שיצאו מישראל לרואנדה ולאוגנדה במסגרת תכנית "עזיבה מרצון" של משרד הפנים. הייתי שותפה לתכנון הדריה: "באין רצון חופשי - תלך החזרה מרצון" של מבקשי מקלט בישראל, שפורסם בפברואר 2015. במסגרת תפקידי אני נמצאת בקשר שוטף עם מבקשי מקלט רבים, ביניהם גם כאלה שמתכננים לעזוב את ישראל. אני עוקבת אחר מצבם של מי שעזבו באמצעות שיחות טלפון, ויבר ועוד. מטרת המעקב היא ללמוד על קורותיהם לאחר עזיבתם את ישראל ולהתריע בפני הרשויות על בעיות שונות.
3. בתצהירי זה אתעד קורותיהם של שני מבקשי מקלט [REDACTED] אשר עזבו את ישראל לרואנדה במסגרת "עזיבה מרצון" בתאריך 23.12.2015. שניהם מסרו לי, טרם שעזבו את ישראל, שהם מבקשים להישאר ברואנדה. שניהם היו עמי בקשר בסמוך לאתר הגעתם לרואנדה. הם סיפרו לי שהודיעו לפקיד ההגירה של רואנדה (מי שקיבל את פניהם עם הגעתם לשדה התעופה ואשר סבורים שהוא פקיד הגירה) שהם מבקשים להישאר ברואנדה. למרות זאת ולמרות שהתרעתי בזמן אמת בפני "יתחיות העזיבה מרצון" של משרד הפנים שהם מוחזקים בוילה בקנאלי, ללא גישות להליכי קבלת מעמד ברואנדה ואף מדרשים לעזוב, הם הועברו תוך זמן קצר לאוגנדה.
4. עוד יצוין שבניגוד לתזתיבויות המשיבים בפני בית המשפט קמא, לא צוידו מי מן העוזבים עימם שוחחתי, טרם עזיבתם, בפרטי-קשר של רשות ההגירה ברואנדה אליה יכולים היו לפנות בבקשה למעמד. רק שלושה אנשים (ביניהם [REDACTED]) שזרשו את פרטי-הקשר (בתזתיבויות) קיבלו פתק שעליו מספר טלפון אשר לא היה בו מענה (כך גם כשאני ניסיתי).

### הליך העזיבה

5. לשני מבקשי המקלט [REDACTED] הונפקו תעודות מעבר שתוקפן לשבועיים ימים. בנוסף קיבלו מסמך הנשא את הכותרת "אישור אשרת כניסה לרואנדה" התקפה לחז"ש ימים. מטרת הכניסה המצויינת על-גב המסמך היא חופשה (Holiday) ומצוין עליה שהתעסקה אסורה.
6. ביום 23.12.2015 (יום לפני מועד חטיטה המתוכנן) קיבלו [REDACTED] מרשות ההגירה בישראל את מסמך "הנתיבות ליציאה מישראל". השויתי את המסמך ששלחו אלי למסמך שהוצג במהלך ההתזתיבות בעת"מ 5126-07-15 ולא תל בו כל שינוי. בעיקר חסרים היו במסמך פרטי-הקשר של הגורם או האדם אליו אמורים היו השניים לפנות ברואנדה לצורך הסדרת מעמדם שם. הנתיבות אותם לשוב ולבקש את הפרטים.



7. ביום 24.12.2015 טרם עליינו למטוס ולאחר שביקש זאת מספר פעמים קיבלנו פוזק קטן ועליו כתוב: Upon arrival you could call the number bellow to receive information about residency and work permits: +250 787380526. השניים טסו לקיגאלי דרך איסטנבול, ביחד עימם בטיסה היו עוד ארבעה אזרחי אריתריאה.

#### ההגעה לקיגאלי

8. יצר עמי קשר טלפוני ביום חמישי, 24.12.2015 מקיגאלי. הוא סיפר לי שבשדה-התעופה קיבל את פניהם איש רשות ההגירה של רואנדה (או לפחות כך סבר, שכן טרם עזיבתו נאמר לו בישראל שמי שקיבל את פניו יהיו אנשי רשות ההגירה של רואנדה). מסמכתם של כל ששת אזרחי אריתריאה שהגיעו באותה הטיסה נלקחו מהם על-ידי מי שקיבל את פניהם. כל ביקש לקבל את מסמכיו חזרה והפקיד אמר שהמסמכים יוחזרו כשיבוא למתרת לבקרום. כל חשישה חוטעו יחדיו לילה שנמצאת בקיגאלי ושם פגשו חמישה אזרחי אריתריאה שהגיעו מישראל מספר ימים קודם לכן.

9. עוד סיפור לי שהוא מסר לפקיד רשות ההגירה שפגש אותו בשדה-התעופה שהוא מעוניין לחישאר ברואנדה ולבקש מעמד. הוא אמר שניסה להתקשר למספר הטלפון שקיבל עם הגיעו לרואנדה, אך המספר אינו זמין. גם אני ניסיתי להתקשר למספר הזה וקיבלתי מענה באנגלית לפיו יהמספר שחייגת אינו זמין זמנית, אנא נסה שנית. במועד מאוחר יותר.

10. תיאורו של עורר חשש בליבי ולכן חזלתי ליצור קשר עם אנשי רשות ההגירה – יחידת העזיבת מרצון בתל-אביב. שלחתי חודעת מייל ביום חמישי בבוקר (24.12.2015) בסביבות 08:30 וביקשתי שיוודאו שאחד-עשר אזרחי אריתריאה שנשלחו מישראל יוכלו לחישאר ברואנדה ולבקש שם מעמד שכן לפי הבנתי הם כלואים בוילה בקיגאלי. בחודעת המייל ציינתי שניסה להתקשר ללא הצלחה אל מספר הטלפון של רשות ההגירה בגת'ג' וכן אל המספר שנמסר לו של רשות ההגירה ברואנדה וגם זאת ללא הצלחה. בחודעת המייל ציינתי את מספר הטלפון שבו ניתן לשוחח עם בנוסף לחודעת המייל התקשרתי אל היחידה בשעה 10:00 בבוקר ונמסר לי (ע"י כר אורי אטיא) שהודעתי התקבלה והנושא מטופל.

העתק חודעת המייל מיום 24.12.2015 ליחידת העזיבת מרצון רצ"ב נכספת א' לתצהירי.

העתק חודעת מייל שניה מיום 24.12.2015 ליחידת העזיבת מרצון רצ"ב נכספת ב' לתצהירי.

#### חיובם של מבקשי המקלט לעזוב לאוגנדה

11. ביום 27.12.2015 התקשר אלי טלפוני. הוא מסר לי שהוא כבר נמצא באוגנדה. לדבריו, ביום חמישי 24.12.2015 בסביבות שונים וחצי בצהריים (כשש שעות לאחר שפניתי ליחידת העזיבת מרצון בתל-אביב), הגיע לילה בה שוכנו המגיעים מישראל אותנו פקדי הגירה וראנדי שקידם את פניהם יום קודם לכן בשדה-תעופה. לשאלתם, הנציג הבהיר שאין כל אפשרות לחישאר ברואנדה, שהם לא יקבלו בה מעמד חוקי ושלא יאסור להם לצאת מן המבנה.

12. מסר לי כי הוא וחבריו הפצירו בנציג לאפשר להם להישאר שכן חשש מן המסע לאוגנדה (זאת מאחר וחברים רבים שעשו את הדרך היו לפניהם דיווחו שנשדדו בסמוך לאחר תצוית הגבול על-ידי שוטרים ואנשי בטחון). הנציג היה חד-משמעי בכך שהם אינם יכולים להישאר וכך לא היתה להם ברירה אלא להתלוות אליו.

13. כל אחד ממבקשי המקלט שילם סך \$250 (דולר אמריקאי) לנציג וכולם הוברחו בקבוצה באופן לא-חוקי לאוגנדה. מסר לי שלמזלם לא נשדדו בדרך והצליחו להגיע לקמפלה (אוגנדה) שם התפזרה הקבוצה. הוא ביקש ממני עזרה, עבורו ועבור [REDACTED] שכן השש שבעת שהוא בקמפלה, הם עלולים להיעצר שכן אין להם אישור לשהות במקום.

14. באותו יום (27.12.2015) קיבלתי הודעת מייל ממר גדעון כהן, מנהל יחידת "עזיבה מרצון" במענה לפנייתי מיום 24.12.2015 ובו כתב: "פנייתי העלתה שאף אחד לא נכלא ולכן לא היה צריך לשתררו. כולם בסדר ואין סיבה לדאגה". במענה למייל זה עדיכנתי את מר כהן באשר ארע ובעובדה שהשנים אולצו לעזוב את רואנדה. ביקשתי את עזרתו באתגרי משתי אפשרויות: להסדיר את מעמדם של השנים באוגנדה או להבטיח חזרתם החוקית לרואנדה שם אמורים היו לזכות במעמד. ביום 30.12.2015 קיבלתי מענה לפי הדברים נבדקים.

העתק הודעת מר גדעון כהן מיום 27.12.2015 רצ"ב כנספח ג' לתצהירי.

העתק הודעתי אל מר כהן מיום 27.12.2015 ומיום 29.12.2015 רצ"ב כנספח ד' לתצהירי.

העתק תשובתו של מר כהן מיום 30.12.2015 רצ"ב כנספח ה' לתצהירי.

15. בעת חתימת וצחקיר זה נמצא [REDACTED] באדיס אבבה. בשיתה שערכתי עמו ביום 15.1.2016 הוא מסר לי שלא היה מסוגל עוד לשבת ולחמתין באוגנדה, בתקווה שאצלית להסדיר בעזרת רשות ההגירה הישראלית את מעמדו, חש חוסר בטחון ולכן עזב דרך קניה אל אדיס-אבבה. הוא מסר לי ש [REDACTED] עודו באוגנדה וממתין בתקווה שמעמדו יוסדר, לא הצלחתי לשוחח עימו. בשיתחני האחרונה ביום 24.1.2016 עדכן אותי [REDACTED] שגם [REDACTED] עזב את אוגנדה והגיע באותו היום, דרך קניה לאדיס-אבבה.

16. אציין כי תיאור זה של קורותיהם של [REDACTED] אינו תריג - זיכרונות עם עוד ארבעה מבקשי מקלט אזרחי אריתריאה שעזבו בארבעה מועדים שונים בחודשים דצמבר 2015 וינואר 2016 את ישראל אל רואנדה. כולם מסרו תיאורים דומים אודות העובדה שלא קיבלו טרם העגיבה הנחיות שונות מכפי שהיה בעבר; אודות קבלת הפנים לה זכו בשדה-ההתעופה של קיגאלי על-ידי אותו אדם שהם סבורים שהוא נציג ההגירה הרואנדית שנטל מהם את מסמכיהם; כולם הובלו אל אותה ילדת וכולם הוברחו תוך יום או יומיים מעת הגעתם אל אוגנדה.

17. לבסוף אוסיף שניסיתי להתקשר מספר פעמים להתקשר אל המספר ברואנדה שמסרו פקידי רשות ההגירה ל [REDACTED] (+250 787380526). ניסיוני להתקשר בימים שונים ובשעות שונות אבל תמיד קיבלתי את המענה המוקלט לפי המספר אינו זמין.

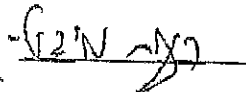
18. אני מצהירה כי זה שמך, זו חתימתי ותוכן תצהירי - אמת.



סיגל רוזן

אישור עורכת הדין

אני החיימ, עו"ד רעות מיכאלי מאשר/ת בזה כי ביום 25.1.2016 הופיעה בפני הגב' סיגל רוזן המוכרת לי אישית ולאחר שהזהרתי אותה כי עליה לומר את האמת וכי תהיה צפויק לעונשים הקבועים בחוק אם לא תעשה כן, אישרה את נכונות האמור בתצהירה ונותמה עליו בפני.



רעות מיכאלי, עו"ד

X 1001

From: "Sigal Rozen" <rozen.sigal@gmail.com>  
Date: Dec 24, 2015 8:22 AM  
Subject: בקשה דחופה להתערבות לשחרורם של 11 האריתראים שכלואים עכשיו בקיגלי  
To: "Gideon Cohen" <GideonCo@piba.gov.il>, "אורי אסיג" <OriAs@piba.gov.il>, "דוחן סמית" <DotanSm@piba.gov.il>  
Cc:

בוקר טוב,

מבקשת את התערבותכם הדחופה בשחרורם של 11 אריתראים שכלואים עכשיו בבית ליד קיגלי, ככל הנראה.

שישה מה 11 הגיעו בטיסה TK606 מאיסטנבול הלילה. הם הגיעו בסביבות שתיים לפנות בוקר, הועברו ברכב למקום שאינו ידוע להם ונכלאו שם יחד עם חמישה אריתראים שהגיעו מישראל קודם לכן. כפי שדווח במקרים קודמים, מוצב שומר בכניסה שאוסר עליהם לצאת.

בניגוד להבטחת המדינה לבג"צ, גם כל מסמכיהם של חברי הקבוצה הזאת נלקחו מהם.

בעשרות מקרים קודמים הגיע למקום נציג ההגירה הרואנדי שהמתין להם בשדה התעופה ולקח את מסמכיהם, הבהיר להם שהם חייבים להמשיך לאוגנדה וגבה מהם \$250 עבור הברחתם לשם. ברוב המקרים המתינו שוטרים בדרך והחרימו את שארית כספם, אך נודע לנו על כך רק כשהגיעו לאוגנדה משום שברואנדה לא היה להם וויפיי או אפשרות להתקשר...

באופן חריג, טלפנו הישראלי של אחד מחברי הקבוצה מתפקד. אין שם וויפיי, אבל ניתן להתקשר אליו כאילו היה בארץ. שמו הוא [REDACTED]

הוא ניסה להתקשר למספרי ההגירה בארץ אבל אין תשובה. הוא אינו מצליח להתקשר למספר הרואנדי שנמסר לו בנתב"ג (-250) (787380526)

חברי הקבוצה הזאת מבקשים להישאר ברואנדה ואינם רוצים להיות מוברחים נגד החוק לאוגנדה.

אנא צרו קשר בהקדם עם אנשי הקשר שלכם בקיגאלי וודאו שחברי הקבוצה מורשים להישאר ברואנדה ולפעול לרכישת מעמד שם.

בתודה מראש

סיגל רוזן

נספח ב

From: "Sigal Rozen" <rozen.sigal@gmail.com>  
Date: Dec 24, 2015 4:00 PM  
Subject: Re: בקשה דחופה להתערבות לשחרורם של 11 האריתראים שכלואים עכשיו בקיגלי  
To: "Gideon Cohen" <GideonCo@piba.gov.il>  
Cc:

גדעון שלומות,

הבנתי מאורי שלקחת על עצמך את הטיפול בשחרורה של הקבוצה ברואנדה ואני מודה לך על כך.

מאחר וטלפנונו של [REDACTED] גם הוא אינו עונה עוד וגם האחרים טרם הצליחו ליצור קשר, אודה לך אם תוכל לעדכן אותנו באשר למקום המצאם.

חברים נוספים של [REDACTED] שרשומים לטיסות לרואנדה בימים הקרובים, שוחחו עמו הלילה והם מוטרדים מאד מהמחשבה פן ייכלאו גם הם עם הגיעם לרואנדה.

רב תודות

סיגל רוזן

נספח 7

From: "גדעון כהן" <[GideonCo@piba.gov.il](mailto:GideonCo@piba.gov.il)>  
Date: Dec 27, 2015 11:23 AM  
Subject: RE: בקשה דחופה להתערבות לשחרורם של 11 האריתראים שכלואים עכשיו בקיגלי  
To: "[rozen.sigal@gmail.com](mailto:rozen.sigal@gmail.com)" <[rozen.sigal@gmail.com](mailto:rozen.sigal@gmail.com)>  
Cc:

ה"י סיגל,

בדיקתי העלתה שאף אחד לא נכלא ולכן לא היה צריך לשחררו.

כולם בסדר ואין סיבה לדאגה.

תודה ושבוע מצוין,

גדעון

3000

From: "Sigal Rozen" <rozen.sigal@gmail.com>

Date: Dec 27, 2015 11:51 AM

Subject: Re: בקשה דחופה להתערבות לשחרורם של 11 האריתראים שכלואים עכשיו בקיגלי

To: "גדעון כהן" <GideonCo@piba.gov.il>

Cc:

ממש בזה הרגע יצר עמי קשר אחד מהם, בניגוד לדבריך, כל ה- 11 נאספו על ידי אותו אדם שפגש אותם בשדה התעופה בקיגלי ולקח מהם את מסמכי הנסיעה הישראלים שלהם. על אף שביקשו להישאר ברואנדה, נציג ההגירה שהביאו אותם למבנה ממנו נאסר עליהם לצאת, אסף אותם כבר ביום חמישי בצהריים, הכהיר להם שאין כל אפשרות להישאר כי ברואנדה לא יוכלו לקבל כל מעמד חוקי ולכן אסור להם לצאת מהמבנה. הוא אילץ אותם לבוא עמו לאוגנדה. לאחר ששמעו שחבריהם איבדו במסע לאוגנדה את כל כספם (לא רק את הכסף שניתן על ידי ההגירה בישראל אלא גם סכומים שהסכו בישראל אם היו כאלו) הקבוצה הזאת ממש לא רצחה להחלוות לאיש, אבל הם לא התנגדו בכוח, אלא רק הפצירו בו לאפשר להם להשתחרר ברואנדה. לדבר האיש סירב וגם הקבוצה הזאת הבריחה את הגבול לאוגנדה באופן לא חוקי. עם זאת, האדם שהבריח אותם לקח מהם רק את 250 הדולרים שהוא תמיד לוקח טרם המסע. באופן חריג, חבריו השוטרים לא המתינו להם בדרך על מנת לגזול את שארית כספם, אולי משום שדיברו איתו על העניין.

כרגע הם באוגנדה, ללא כל מסמכים מזהים ומבקשים את סיוענו על מנת למנוע את מעצרים שם בגין שהות שלא כדיון, כפי שארע לחבריהם בעבר. השיחה נקטעה ועתה אין תקשורת עמם, אבל כולי תקווה שהם יצליחו לחדש את הקשר עמנו.

לעצתך נודה.

Anat Ben-Dor

From: rozen.sigal2@gmail.com on behalf of Sigal Rozen <rozen.sigal@gmail.com>  
Sent: 15:11 2016 מרץ 07 יום שני  
To: Anat Ben-Dor  
Subject: בקשה דחופה להתערבות לשחרורם של 11 האריתראים שכלואים עכשיו בקיגלי  
Fwd: בקשה דחופה להתערבות לשחרורם של 11 האריתראים שכלואים עכשיו בקיגלי

29.12.15 - N S W

----- Forwarded message -----

From: Sigal Rozen <rozen.sigal@gmail.com>  
Date: 2015-12-29 16:31 GMT+02:00  
Subject: Re: בקשה דחופה להתערבות לשחרורם של 11 האריתראים שכלואים עכשיו בקיגלי  
To: גדעון כהן <GideonCo@piba.gov.il>

גדעון שלום,

יצר קשר פעם נוספת מקמפלה. הוא עדיין יחיד, חוששים ממעצר בגין שהותם הבלתי חוקית במקום. לאחר שדיברו עם אנשים באוגנדה ולמדו שאין שם אפשרות להשיג עבודה או כל מקור פרנסה, הם מבקשים עזרה בהגעה למחנה פליטים באתיופיה, שם הבינו שיוכלו להישאר כחוק.

ביקש שאצור עמך קשר ואבקש את סיוע יחידתך בהעברתם למקום בו יוכלו לקבל מסמכים מזהים וכן לשהות ולהתפרנס באופן חוקי. הם מבקשים עזרה בהעברתם לאתיופיה אך אם אין אפשרות לכך, הם מבקשים עזרה בהסדרת מעמדם באוגנדה או בחזרה לרואנדה ממנה הוברחו נגד רצונם על ידי אותו נציג ההגירה שהמתין להם בשדה התעופה ולקח את מסמכי הנסיעה הישראלים שלהם. מאחר ואין להם מכרים באף אחת מהמדינות וגם אינם דוברים את השפה, הם אינם רואים כל הבדל בין השתיים.

מספר טלפנו של הוא וניתן ליצור עמו קשר רק באמצעות וויבר במועדים בהם הוא מצליח למצוא וויפיי. ניתן גם להשאיר לו הודעות אותן יימצא כשיתחבר לרשת.

אנא אשר קבלת ההודעה וכן מה בדעתכם לעשות על מנת לסייע להסדיר מעמדם החוקי.

כן אצפה שתצרו קשר עם הנציג אותו מיניתי לפגוש את הקבוצה ברואנדה ותבהירו לו שהתנהלותו גורמת לרשות ההגירה הישראלית להפר את התחייבותה בפני בית המשפט.

בתודה מראש

סיגל רוזן

2015-12-27 11:51 GMT+02:00 Sigal Rozen <rozen.sigal@gmail.com>  
11 נאחפו על ידי אותו אדם שפגש אותם בשדה



19007

From: "גדעון כהן" <[GideonCo@piba.gov.il](mailto:GideonCo@piba.gov.il)>

Date: Dec 30, 2015 10:57 AM

Subject: Re: בקשה דחופה להחזרת כספי 11 האריתראים שכלואים עכשיו בקיגלי

To: "[rozen.sigal@gmail.com](mailto:rozen.sigal@gmail.com)" <[rozen.sigal@gmail.com](mailto:rozen.sigal@gmail.com)>

Cc:

היי סיגל,

אני מאשר קבלת המייל ושהדברים נבדקים.

איני יכול למסור פרטים נוספים.

תודה,

גדעון

## OPINION ON RWANDA

I am Filip Reyntjens, Professor of Law and Politics at the University of Antwerp. I have studied the African Great Lakes Region, and Rwanda more particularly, for over 35 years. I have published numerous scholarly articles and several books on the subject. My summary c.v. and list of publications are attached.

I have been asked to write an opinion on the general political atmosphere prevailing in Rwanda, and more precisely on the possibility of monitoring human rights violations there.

Generally speaking, Rwanda is governed by an extremely repressive regime that has cordoned off political space. It is a de facto one-party state where the political opposition and autonomous civil society have been eliminated. The Judiciary is not independent from the executive branch. Freedoms of expression, association, assembly and the press are severely restricted. Arbitrary arrest and detention, "disappearances" and political assassinations are common. I attach the text of a recent article that conveys an image of this general environment.

I now turn to the issue of the monitoring of the human rights situation generally, and of deportees in particular. Although it was under considerable strain well before, autonomous civil society was dealt a final blow in 2004, which is also the year in which the last remaining independent human rights organisation, Liprodhor, was neutralised when almost its entire leadership was forced to flee the country as a result of threats of arrest and death. When Liprodhor attempted to resurface recently, in 2013 the government had its leadership replaced by one that would not criticise it. As late as in September 2015, police broke up a meeting of members who tried to reinstate the legitimate leadership. Liprodhor has again effectively ceased to exist.

Human Rights Watch, the only international human rights organisation maintaining a constant interest in Rwanda, was frequently hindered in its work. For instance, HRW senior researcher Allison Des Forges was blocked from entering the country on two occasions in 2008. Human Rights Watch's representative in Kigali was denied a work visa in April 2010, and she was expelled.

The regional human rights organisation League for the Defense of Human Rights in the Great Lakes region (LDGL) too had its activities curtailed by the government. As recently as on 12 October 2015, the Rwandan police disrupted a meeting of LDGL and arrested eight members of the organisation. On the same day, its executive secretary was arrested and questioned about his work permit and the registration status of LDGL. Since then, LDGL has not returned to its normal activities and remains closed.

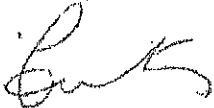
Monitoring by sources other than human rights organisations is also made difficult. Journalists have been expelled or were declared *persona non grata*, and the people they spoke to were interrogated by security services and threatened or arrested. Likewise, academic researchers have been refused access to the country or were expelled, and in some cases their data were confiscated. The data of a World Bank study on poverty were seized and destroyed. A Canadian scholar was told that her research was "against national unity and reconciliation" and "not the kind of research the government needed". Her passport was confiscated and she was sent to a "re-education camp".

More examples could be given of how the Rwandan government is keen and able to control the flow of information.

They show the impossibility in Rwanda of monitoring the human rights situation of Rwandan nationals and foreigners alike. In addition, observation is particularly difficult, as many actions undertaken by security and intelligence officials are shrouded in secrecy and done without public oversight. The use of "safe houses", in fact clandestine detention centres, is common, as are transports at night and unaccountability of the whereabouts of persons held by police and intelligence services. These threats would affect deportees more particularly, as they are undocumented and far away from their families who therefore cannot alert any one in case their rights are violated.

This opinion is given based on my honest and expert knowledge of the situation prevailing in Rwanda.

Antwerp, 17 November 2015



Filip Reyntjens PhD  
Professor of Law and Politics

**CURRICULUM VITAE F. REYNTJENS**  
(synopsis)

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**2. University education**

- Licentiaat in de Rechten (LL.M.), University of Antwerp, 1975.
- Master of Laws, University of London, 1979.
- Doctor in de Rechten (Ph.D.), University of Antwerp, 1983.

**3. Academic teaching positions**

- Professor of Law and Politics, University of Antwerp.
- Sometime Professor (part-time) at the Universities of Leuven and Brussels; Visiting Professor at the Universities of Paris-VIII (France), Rwanda, Mbuji-Mayi (DRC), Kinshasa (DRC) and Mbarara (Uganda); Honorary Professor at MUST (Uganda); Visiting Fellow at the Human Sciences Research Council (Pretoria).

Courses taught: Comparative Legal Systems; Political Problems of the Third World; Political and Institutional Aspects of Development; Legal Pluralism; African Law; The State, Law and Development.

**4. Other positions (selection)**

- Member of the Board of Directors of several (international) scientific organisations.
- Member of the editorial board of "Afrika-Focus", "Third World Legal Studies", "Journal of Legal Pluralism and Unofficial Law", "African Affairs", "Interdisciplinary Journal of Human Rights Law"; editor "L'Afrique des grands lacs. Annuaire" (Paris,

- L'Harmattan); director of collection "L'Afrique des grands lacs" (Paris, L'Harmattan)..
- Member, Royal Academy of Overseas Sciences of Belgium.
  - Vice-President, International Third World Legal Studies Association (New York).
  - Member of the Steering Group on Science Sharing, VRWB (Flemish Council for Research Policy).
  - Chair, Centre for the Study of the Great Lakes Region of Africa, University of Antwerp.
  - Chair, EADI Committee on Journal Ranking.
  - Expert, International Criminal Court.
  - Member of the Board, Belgian Reference Centre for Expertise in Central Africa (ECA-CREAC).

### **5. Former positions (selection)**

- 1976-1978: Lecturer and Vice-Dean, Faculty of Law, National University of Rwanda.
- 1983-1990: Director, African Studies and Documentation Centre (Brussels).
- 1984-1988: Chairman, Belgian Association of Africanists.
- 1986-1998: Professor of Law (part-time), University of Leuven (KULeuven).
- 1987-1991: Central Africa coordinator, Amnesty International Flanders.
- 1987-1993: Member of the Commission of Development Co-operation, Flemish Interuniversity Council (VLIR).
- 1991-2005: Professor of African Law (part-time), University of Brussels (ULB).
- 1991-2006: Chairman, African Studies and Documentation Centre (Brussels).
- 1991-2005: Member of the Board of Directors of the Africa Institute (Brussels).
- 1991-1996: Member of the scientific board of the Royal Museum for Central Africa (Belgium).
- 1991-2004: Vice-Rector, University of Mbuji-Mayi (DR Congo).
- 1993-2009: Member of the Board of Directors, Institute of Tropical Medicine (Antwerp).
- 1994-2002: Chairman, Centre for the Study of the Great Lakes Region of Africa, University of Antwerp.
- 2001-2007: Chairman, Institute of Development Policy and Management, University of Antwerp.
- 2003-2007: Member of the Bureau "University development co-operation", Flemish Inter-University Council.
- 2004-2008: Member, Conseil scientifique du pôle Afrique du Ministère des Affaires étrangères, Paris.
- 2004-2012 : Member, Board of Directors, Development Research Institute (IVO), Tilburg University.

### **6. Consultancies and expert missions**

- Management of the project Law School at the University of Rwanda (1976-78).
- Constitutional consultation for the Government of Rwanda (1978).
- Central Africa coordinator, Amnesty International, Belgian sections (1983-91).
- Advisor to the Belgian Foreign Minister for the reorganisation of African Studies in Belgium (1986-89).

- Expert witness on the Law and Politics of Rwanda, Burundi and the DR Congo in courts of Belgium, the UK, the USA, Switzerland, Sweden, Finland and Canada, and the International Criminal Tribunal for Rwanda (Arusha).
- Legal assistance mission in connection with the detention of 3,500 political prisoners in Rwanda (1991).
- Fact-finding mission on the Burundi disturbances of November 1991 (1991).
- Constitutional consultation for the Government of Ethiopia (1992).
- Mission of inquiry into Human Rights violations in Burundi (1994).
- Consultant for the World Bank on Rwanda (1995).
- Consultant for the Japanese Government on Rwanda and Burundi (1995).
- Consultant for DFID (UK) on the Administration of Justice in Rwanda (1997).
- Member of the UN Secretary General's Resource Group on the DR Congo (1997-98).
- Evaluation of projects in South Africa and Namibia for BTC (1999).
- Member of the Editorial Group of the International Panel of Eminent Personalities to Investigate the 1994 Genocide in Rwanda and Surrounding Events (OAU) (2000).
- Evaluation of projects in support of the rule of law in Burundi for DGIC (2001).
- Consultant for BTC on the reform of the public administration in the DR Congo (2002).
- Evaluation of activities of Avocats sans Frontières in the DR Congo for DGDC (2004).
- Member, expert panel for the assessment of MA Programme "International Development Studies", University of Amsterdam, for the Dutch-Flemish Accreditation Organisation (NVAO) (2005).
- Consultant for the Dutch Ministry of Foreign Affairs on Conflict Prevention and Management in the Great Lakes Region (2006).
- Coordinator, Flemish University Co-operation with the University of Burundi (2010 to date).
- Chair, Research Audit of the African Studies Centre, Leiden, The Netherlands (2011).
- Peacebuilding analysis of Burundi's PRSP II for AusAID (2012).
- Member, Organizing Committee ASA Conference Indianapolis (2014).
- Chair, Research Audit of the International Institute for Social Studies, The Hague, The Netherlands (2014).

# JOURNAL OF DEMOCRACY

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## **Authoritarianism Goes Global**

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## **The Medieval Roots of Democracy**

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## **China After the Reform Era**

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## RWANDA: PROGRESS OR POWDER KEG?

*Filip Reyntjens*

*Filip Reyntjens is professor of African law and politics at the Institute of Development Policy and Management, University of Antwerp. His recent books include The Great African War: Congo and Regional Geopolitics, 1996–2006 (2009) and Political Governance in Post-Genocide Rwanda (2013).*

Since the 1994 genocide that claimed the lives of three-quarters of Rwanda's minority Tutsi population and shattered the country's economy and infrastructure, President Paul Kagame and the ruling Rwandan Patriotic Front (RPF)—the predominantly Tutsi force responsible for vanquishing the *génocidaires*—have restored order and presided over a period of impressive modernization and economic development. Since 2003, Rwanda's annual economic-growth rate has been a robust 7 to 8 percent, and the country has made major progress in the areas of health and education. Among African countries, Rwanda has been a top achiever of the UN's Millennium Development Goals, and it has moved up the ranks to number 46 on the World Bank's Doing Business index.

But there is bad news as well. This progress has come at a steep price. The RPF has established its hegemony by eliminating political opposition and autonomous civil society, violating human rights, killing scores of its own citizens, and keeping tight control over the flow of information. The regime's increasingly authoritarian rule threatens all the achievements brought by its deft governance. How did the situation in Rwanda reach this point, and why has the international community largely remained silent?

Tiny, poor, and landlocked, Rwanda is nestled between Burundi, the Democratic Republic of the Congo (DRC), and Tanzania in the Great Lakes region of Africa. The country known as the "land of a thousand hills" is slightly smaller than the U.S. state of Maryland and home to twice as many people—roughly 12.3 million, making it the most densely populated country on the continent. Rwanda's population is divided



among three main ethnic groups: Hutu (90 percent), Tutsi (10 percent), and Twa (less than 1 percent). For centuries, the country was ruled by a Tutsi monarchy. It became a German colony in 1899 and later a mandate and then trust territory of Belgium prior to gaining independence in 1962.

Ethnic tensions escalated during the decade before independence, culminating in a bloody uprising of Hutus against Tutsi dominance that lasted from 1959 to 1961. The violence continued after independence, as Tutsi forces invaded Rwanda in 1963, and the Hutu—now in power—responded by massacring between ten and fifteen thousand Tutsi. By 1975, Rwanda had become a one-party state, led by President Juvénal Habyarimana, a Hutu who had come to power in 1973 in a bloodless coup.

In July 1990, amid the return to multiparty politics sweeping sub-Saharan Africa, Habyarimana, who was then in his third term in office, announced his intention to move Rwanda toward a multiparty system. In October 1990, however, the RPF (then made up mostly of Tutsi refugees in Uganda) invaded Rwanda, sparking a civil war. Beginning in July 1992, the RPF and the Rwandan government entered into negotiations in Arusha, Tanzania, eventually reaching an agreement that called for the establishment of a transitional power-sharing government by September 1993. That deadline was never met, and by February 1994 the country was roiling with street violence as the transitional period dragged on. Two months later, on 6 April 1994, the jet carrying Habyarimana and Burundian president Cyprien Ntaryamira back from Tanzania was shot down over Kigali, killing all aboard and triggering the hundred-day genocide against the Tutsi.

The genocide—an extreme manifestation of the instability that often accompanies political transitions—stemmed from the lethal mix of three factors: 1) the transition toward multiparty democracy; 2) a bipolar ethnic structure, which is difficult to manage anywhere (witness Catholics and Protestants in Northern Ireland, Greeks and Turks in Cyprus, Tamils and Sinhalese in Sri Lanka, to give just three examples) but is even harder in poor countries such as Rwanda; and 3) the fact that the RPF was essentially a Tutsi movement, which made it easy for the genocidal regime to portray all Tutsi as RPF allies or accomplices—and therefore as “enemies”—when hostilities resumed.

Despite Rwanda's repeated bouts of ethnic conflict and the civil war that had raged on and off from 1990 to 1993, the outside world had paid little attention to this before the genocide. But after the killing of up to a million people (mostly Tutsis, but also Hutus killed for political or criminal reasons, or massacred by the RPF), the international community finally took notice. Today, however, there are two radically opposing views of Rwanda—one that hails its visionary leadership, economic progress, market-oriented policies, empowerment of women, and

reforms in education, health, and agriculture, and another that condemns its autocratic rule, human-rights abuses, persecution of the Hutu majority, and growing inequality and rural poverty. The first view is held by most international aid agencies, and has been voiced by public figures such as Bono, Rick Warren, Bill Clinton, and Tony Blair. The second, more critical view is held by most scholars,<sup>1</sup> who fear that the resulting repression and injustice could lead to political instability and renewed conflict. This essay belongs to the second school.

### **Elections as a Means of Consolidation**

From its first days in power, the RPF unilaterally imposed its will on the country while formally adhering to the power-sharing formula inscribed in the 1993 Arusha peace accords between the RPF and the Habyarimana government. The RPF, having defeated the government forces and put an end to the genocide (with little external support other than from Uganda), had free rein to ignore constitutional limitations and exercise power as it pleased. It did so willingly, knowing that it would stand no chance in an open political contest. By August 1995, the transitional national-unity government ceased to exist. The Hutu prime minister, Faustin Twagiramungu of the Democratic Republican Movement (MDR), resigned and left the country along with other cabinet members (including a Hutu RPF minister) in protest of the closing of political space, gross human-rights violations, and partisan appointments in the administration and judiciary.

This was just the tip of the iceberg. Many politicians, civil servants, judges, and military officers who had stayed on or returned after the RPF's victory were threatened or became disillusioned, and they fled the country in growing numbers beginning in early 1995. At first, it was mainly Hutu who were leaving. But disillusioned Tutsi soon followed, particularly genocide survivors who increasingly felt like second-class citizens marginalized by the RPF. At the same time, the RPF was pushing a "Tutsification" of the country. While officially rejecting ethnic discrimination and even the notion of ethnicity, the RPF reserved access to power, wealth, and knowledge to Tutsi elites. By the end of the 1990s, about two-thirds of the major state jobs were filled by Tutsi RPF members; the military and intelligence services were almost exclusively in their hands.

As the political transition was drawing to a close, the RPF set out to neutralize opposition parties. It began by infiltrating and dividing the MDR in the late 1990s; the party was subsequently banned in May 2003, just before the first national elections. When former president Pasteur Bizimungu (1994–2000), a Hutu RPF leader and the first postgenocide president (his vice-president, RPF military chief Paul Kagame, became president when Bizimungu resigned), attempted to set up a new party in

2001, he was arrested and later sentenced to fifteen years in jail. Other parties were simply denied registration.

Rwandans went to the polls in huge numbers in May 2003 to vote on a new constitution. An EU observer mission criticized the process, ex-

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*The EU observer mission came to the paradoxical conclusion that after the elections, "political pluralism [was] more limited than during the transition period."*

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pressing concern over "control mechanisms . . . that result in restrictions on the freedom of expression, on the freedom of association and on the activities of political parties," as well as over the "disappearance" of opponents and restrictions on civil society.<sup>2</sup> Nevertheless, presidential and parliamentary elections took place as scheduled in August and September 2003, respectively.

Kagame won the presidency with 95 percent of the vote after a campaign marred by arrests, "disappearances," and intimidation. In a sign of the monolithic political landscape, all the parties holding seats in the transitional parliament supported Kagame's bid. Another EU observer mission found evidence of vote fraud and irregularities, including ballot-box stuffing and nontransparent counting procedures.<sup>3</sup> In the parliamentary elections the following month, the RPF again emerged victorious, with its coalition winning 74 percent of the vote for the 53 directly elected seats, followed by the Social Democratic Party (PSD) with 12 percent, and the Liberal Party (PL) with 11 percent. In the end, all the parties represented in parliament either joined the RPF list or had supported Kagame in the presidential election, making every directly elected MP part of a single political platform. The EU observer mission therefore came to the paradoxical conclusion that after the elections "political pluralism [was] more limited than during the transition period."<sup>4</sup> The 2003 elections had returned Rwanda to de facto single-party rule. External reactions to the fraudulent polls were muted, reinforcing the RPF's belief that international concern would be short-lived and it could embark on a routine cycle of cosmetic elections.

During the 2008 parliamentary elections, the RPF's machine worked too well. When an EU observer mission sampled almost a quarter of the votes, the tally showed the RPF winning 98 percent. Realizing that this result would look too "Stalinist," according to two EU observers the RPF lowered it and "offered" some seats to the PSD and the PL—of course, neither party was really in opposition anyway. The official result for the 2008 election thus became 79 percent for the RPF, 13 percent for the PSD, and 8 percent for the PL.

In 2010, when several genuine opposition parties tried to register so that they could participate in the presidential election that August, they met with swift and radical repression. The leaders of these parties

were arrested and handed long prison sentences. The vice-president of the Democratic Green Party was found beheaded. In April, the government banned two of the three remaining independent newspapers, *Umuseso* and *Umuvugizi*. Later that month, the editor of *Umuvugizi* fled to Uganda after receiving repeated death threats; he was followed into exile a month later by two *Umuseso* editors. *Umuvugizi* acting editor Jean-Léonard Rugambage was murdered in Kigali on 24 June 2010, the same day that *Umuvugizi*'s website (which was blocked inside Rwanda) published a story about regime "hit squads" targeting dissidents living in exile in South Africa. In early July, two reporters from a third paper, *Umurabyo*, were arrested and charged with various crimes, including defamation and inciting public disorder. These journalists ultimately received prison sentences of seventeen and seven years, respectively.

Once the opposition candidates were effectively prevented from running, the National Electoral Commission registered four presidential contenders, Kagame and three others from parties belonging to the RPF-led coalition. None of them represented real competition for Kagame. Despite the protests of international human-rights organizations such as Human Rights Watch and Amnesty International and even some signs of concern from Washington, the election went ahead on 9 August 2010. The result was predictable: Kagame won 93 percent of the vote, while his "opponents" each won a miniscule share. Although voting technically was not compulsory, turnout reached an astronomic 98 percent: Rwandans know well what is expected of them and the risks involved in "uncivic" behavior. In each of the country's five provinces, Kagame won between 92.5 and 94 percent of the vote, a spread of less than 1.5 percent.

This result was unsurprising given the fraud organized at both the local and the national levels. In a number of villages, local leaders went from door to door to collect voter cards. They marked the ballot paper, stamped the cards, and informed the electors that they had voted and did not need to go to the polling station. At the national level, a Commonwealth observer team noted the lack of transparency in the vote-tabulation process: "It was not possible to ascertain quite where, how and when the tabulation was to be completed," both between the voting stations and the districts, and the districts and the national level.<sup>5</sup> According to one Dutch reporter's well-placed source, the outcome was so skewed that the Electoral Commission "adapted" the results downward, just as it had done in 2008.<sup>6</sup> This probably explains the countrywide uniformity of the results.

Whether or not Kagame will seek reelection in 2017 remains an open question, though Article 101 of the constitution prohibits him from doing so. While the president has at times indicated that he is not interested in a third term, doubts persist about his genuine intentions, particularly after his stating in early 2013 that all Rwandans had the right to express

themselves on this issue.<sup>7</sup> At the RPF's national congress in February 2013, some members asked Kagame to stay in office.<sup>8</sup> As one op-ed writer for the regime's daily, the *New Times* (Kigali), put it, "You will not blame the ordinary folk who thinks that a future without Kagame is a future of uncertainties."<sup>9</sup> A legal scholar echoed this sentiment in a July *New Times* op-ed, claiming that there was "no practical reason" preventing citizens from amending term limits like "any other provision of the constitution once considered detrimental."<sup>10</sup> Kagame has not yet said what he will do. During a 2013 interview with the president, a reporter with the *Observer* mentioned that then justice minister Tharcisse Karugarama had stated that Kagame should "step down in 2017 in order to maintain the primacy of the rule of law." Kagame responded with irritation: "Why don't you tell him to step down himself? All those years he's been there, he's not the only one who can be the justice minister," adding that "in the end we should come to a view that serves us all."<sup>11</sup> Karugarama was sacked in less than a week.

Rwanda is a clear case of hegemonic authoritarianism, where regular, seemingly multiparty elections serve only to consolidate a dictatorship. Given the government's repression of opposition parties and voices, Rwanda does not even meet the requirements of electoral authoritarian regimes: Its elections are insufficiently pluralistic, competitive, and open.<sup>12</sup> Yet despite knowing that each of Rwanda's elections has been deeply flawed, the international community has never seriously addressed the issue, thus giving the regime the (justified) impression that it could proceed unhindered.

Despite the RPF's tight rein, there is anecdotal evidence that debates are going on within the party. Kagame's small inner circle—rather than the cabinet or parliament—is where decisions are made, so outside observers are generally unaware of any discord within the party. There have, however, been several visible splits. By the late 1990s, a number of RPF members had left the country and become vocal opponents of the regime. This trend escalated after 2000 and took a radical turn in 2010.

General Faustin Kayumba Nyamwasa, former army chief of staff and later ambassador to India, fell out with his former ally Kagame. Kayumba fled to South Africa in February 2010 and began openly and virulently attacking the president and claiming that Rwanda was descending into total dictatorship. In June, Kayumba was gravely injured in an attempt against his life in Johannesburg. Some days later, the assassins attempted to finish him off in his hospital bed. After more assassination attempts against him, South Africa expelled several Rwandan diplomats in March 2014.

In August 2010, Kayumba along with Patrick Karegeya (former head of external intelligence), Theogene Rudasingwa (former RPF secretary-general, ambassador to the United States, and chief of staff to the president), and Gerald Gahima (former prosecutor-general)—all of them RPF

Tutsi in exile—published a report entitled *Rwanda Briefing*. It accused the regime of having put in place a totalitarian dictatorship based on terror, grave human-rights violations, corruption, and nepotism, and of having committed numerous political assassinations and—quite remarkably coming from four Tutsi—of marginalizing the Hutu population. Given the high positions that these “renegades” once held, the regime was alarmed. They had been privy to many regime secrets and could potentially reveal embarrassing files, possibly even relating to war crimes and the downing of President Habyarimana’s plane.

In December 2010, the men founded a new political movement, the Rwanda National Congress (RNC). They denounced the regime and proclaimed their vision for a “new Rwanda.” Not only did they set out to forge alliances with other opposition movements abroad and even inside Rwanda, they also seemed to establish contacts with armed groups opposed to Kagame, particularly in the DRC and Uganda. Around the same time, the four were indicted and tried in Kigali *in absentia*. Kayumba and Rudasingwa were sentenced to 24 years in prison, and Karegeya and Gahima each received twenty years.

In August 2014, a South African court convicted four suspects for the 2010 attempted assassination of Kayumba. The judge stated that the crime was politically motivated and that the plot came “from a certain group of people from Rwanda.”<sup>13</sup> Patrick Karegeya was less fortunate than Kayumba: He was found strangled to death in a Johannesburg hotel room on New Year’s Day 2014. Several Rwandan senior officials came close to admitting that the murder was perpetrated by a government hit squad.<sup>14</sup> In other countries too—Belgium, Kenya, Sweden, Uganda, and the United Kingdom—opponents of the Kagame regime have been harassed and in some cases assassinated. In May 2011, for example, Scotland Yard issued a formal “Threats to Life Warning Notice” to two British men of Rwandan origin, notifying them that “reliable intelligence states that the Rwandan Government poses an immediate threat to your life.” In the 1990s, the regime opponents killed were Hutu; today, most are Tutsi.

### Human Rights and Impunity

The Rwandan Patriotic Army (RPA), the RPF’s military wing, killed massive numbers of civilians inside Rwanda during and after the genocide, in Zaire (renamed the DRC in 1997) in late 1996 and early 1997, and during an insurgency in northwestern Rwanda in 1997 and 1998.<sup>15</sup> In 1994, while Hutu extremists were committing genocide against the Tutsi live on television, the RPA was engaged in large-scale killings that were hidden from the public eye. The UN’s refugee agency; René Degni-Ségui, the special rapporteur of the UN Commission on Human Rights; and international aid agencies found that tens of thousands of

civilians had been massacred. Documents show that the UN and the United States knew of these crimes and warned the RPF that it too risked being accused of committing genocide. As a result, the killing abated in October 1994 but continued on a smaller scale, as did "disappearances." In April 1995, the RPA massacred thousands in the Kibeho camp for internally displaced people in the southwest of the country—an event that spelled the end for the national-unity government. While the government claimed that fewer than four-hundred people perished in the massacre, Australian peacekeepers found that at least four thousand had died. The international community expressed some concern, but did not press the issue. Regime hard-liners concluded that they could get away with this kind of behavior.

A year and a half later, across the border in what was then Zaire, the RPA again slaughtered Hutus—this time on a massively larger scale. With the RPF's victory in the civil war came the flight of nearly two-million people to neighboring countries. In Zaire, remnants of the defeated government army and the *interahamwe* (the militia guilty of genocide) mingled with civilians living in refugee camps close to the Rwandan border. These armed elements conducted cross-border raids and prepared to invade Rwanda. In the absence of any international response to this imminent security threat, the RPA cleared the camps in the fall of 1996. It then launched a massive extermination campaign against civilian refugees trekking westward across war-torn Zaire. RPA "search and destroy" units massacred more than a hundred-thousand civilians, including women and children.

The most comprehensive report on the matter, commissioned by the UN High Commissioner for Human Rights and published in 2010, concluded that the vast majority of the 617 listed incidents that took place between 1993 and 2003 could be classified as war crimes and crimes against humanity. On the issue of genocide, it noted that "several incidents listed in this report, if investigated and judicially proven, point to circumstances and facts from which a court could infer the intention to destroy the Hutu ethnic group in the DRC in part."<sup>16</sup>

During the RPA's military operation in Zaire, more than half a million refugees were repatriated to Rwanda. As a result of this partly voluntary, partly forced effort as well as mounting resentment caused by Rwanda's occupation of eastern DRC, the RPA faced a rapidly expanding rebel movement within Rwanda from early 1997, particularly in the northwest. During brutal counterinsurgency operations, the RPA killed tens of thousands of people, mostly unarmed civilians. Many other people "disappeared" during this time.

Members of the RPA and RPF who committed grave crimes in Rwanda in 1994, in the DRC in 1996–97, and again in Rwanda in 1997–98 have enjoyed total impunity. Not a single suspect from these forces has been prosecuted, let alone convicted. RPA crimes perpetrated during

1994 fall squarely within the mandate of the International Criminal Tribunal for Rwanda (ICTR), established specifically to prosecute "persons responsible for genocide and other serious violations of International Humanitarian Law committed in . . . Rwanda and . . . neighbouring States, between 1 January 1994 and 31 December 1994." A special unit in the tribunal's Office of the Prosecutor (OTP) worked on dozens of files involving RPF suspects. When Chief Prosecutor Carla Del Ponte announced in early 2002 that she hoped to issue the first indictments before the end of the year, relations between the ICTR and the Rwandan government went from bad to worse. Rwanda sabotaged the OTP's operations and ultimately decided that Del Ponte had to go. Under pressure from the United States and the United Kingdom, the UN Security Council removed her from office in 2003. Her successor, Gambian judge Hassan Jallow, abandoned the investigations of RPF and RPA suspects. As a case cannot be tried if the OTP does not prosecute, the ICTR became a pathetic example of victors' justice.

Rwanda's domestic courts, in particular the neotraditional *gacaca* system, also ignored RPF and RPA crimes. From the outset, it was made clear that the *gacaca* courts were to deal only with genocide cases; military courts would try crimes against humanity and war crimes committed by the RPA—but that never happened. Courts in other countries have held trials on the basis of the principle of universal jurisdiction for international crimes. Some countries have prosecuted and convicted genocide suspects, but not a single RPA suspect. How have the RPF and its forces managed to skirt justice despite their crimes being widely known?

### Information and Communications Management

Since coming to power, the RPF regime has projected an image of morality, vision, and success. It has astutely maintained and exploited its "genocide credit" in order tacitly to justify Tutsi dominance; to maintain broad Tutsi support; to keep alive the fear of Hutu revenge; and to keep the international community at bay. By claiming (rightly) that the world abandoned Rwanda in 1994 and let the genocide happen, while the RPF stopped the genocide and defended its victims, the RPF seized a nearly unassailable moral high ground. A U.S. diplomat admitted to the *Washington Post* that "the Americans were terribly manipulated by this government and now we are almost held hostage by it."<sup>17</sup>

This reluctance to speak out extends to international donor agencies—quite a remarkable fact given Rwanda's profound aid dependence. Aid agencies self-censor, "sanitizing" unpleasant information or framing it more positively before sharing it with Rwandan officials. Sometimes these groups alter or simply do not release reports that might upset the government. According to one aid worker, "You toe the party [Rwandan government] line here. If you don't, you're out."<sup>18</sup>



Kagame once stated, "We used communication and information warfare better than anyone." He confirmed that "the aim was to let [NGOs and the press] continue their work, but deny them what would be dangerous for us."<sup>19</sup> In the words of one author, Kagame's information strategy was "built around denial," and the RPF's routine was "simple but effective: ban outsiders from the battle zone; delay and frustrate their movements; deny any 'rumor' of military excesses; withhold information; apply moral argument to shame the international community."<sup>20</sup>

The regime's efforts to establish a monopoly on truth extend beyond current affairs to the country's long history. For example, the official history now claims that precolonial Rwanda was a unified, harmonious, and peaceful society, and that ethnicity was artificially introduced by the Belgian administration and Catholic Church as part of a divide-and-rule policy. According to this account, the RPF stopped a genocide rooted in the divisive politics of colonialism and restored peace and harmony. This utopian narrative, however, contrasts with the real historical record, as outlined by prominent scholars such as Jan Vansina, who have shown that precolonial Rwanda was far from a harmonious Garden of Eden.<sup>21</sup>

In short, if history does not suit the regime, the regime constructs a new history. In this vein, a 2008 conference on the genocide held in Kigali called for "a new methodology, a new literature, a new history" in light of "the failure of the human and social sciences that . . . led to genocide." The regime has even succeeded in infiltrating international academic work. A 2008 book on postgenocide Rwanda featured a six-page preface written by Kagame, laying out the regime's view on Rwanda's past, present, and future, and rebutting a chapter by René Lemarchand in that very book—Lemarchand is said to be "mistaken," "simplistic," and "wrong." According to Kagame, "The revisionists must receive justice for their crimes against historical truth and the affront of their fraudulent narratives."<sup>22</sup>

The RPF's narrative is protected by the constitution and by legislation against "divisionism" and "genocide ideology." These broad and ill-defined laws make it possible to criminalize criticism of the government and political dissent. In an illustration of the scope for political exploitation provided by these laws, a Rwandan Senate report lists the following as examples of "genocide ideology": claims that the RPF is totalitarian and stifles freedoms; mentions of alleged war crimes and crimes against humanity committed by the RPF; and assertions that the international community's feelings of guilt cause it to be too lenient on the postgenocide regime.<sup>23</sup> All this and much more are punishable under the law.

Another "truth" the regime imposes is that of a unified and equal society—"There are no Hutu or Tutsi, we are all Rwandans now." This denial of ethnicity is an essential element of the Tutsi elite's hegemonic project: It veils Tutsi domination. In postgenocide Rwanda, collective identities have been redefined in a way rarely seen elsewhere, and ethnicity has

been legislated away. The law has reconfigured the country's ethnic map and entrenched the regime's policing of relations between individuals and groups. The regime has imposed de-ethnicization and reconciliation in a top-down, authoritarian fashion. All the available fieldwork, however, indicates that the regime's narrative reflects only the "public transcript," while the "hidden transcript"—that is, the daily truth experienced by oppressed Hutu and Tutsi—points to a very different narrative.<sup>24</sup>

### Engineering a New Society

The RPF has embarked on a formidable project of political, economic, social, and cultural engineering, aimed at radically changing Rwanda and its people. This has included bold experiments in transitional justice; land-tenure and agricultural reform; reeducation; the spiriting away of ethnic identity; knowledge construction; spatial reorganization (under the form of both villagization and the redrawing and renaming of territory); and pervasive government control. The modernization drive has been extremely fast, indeed too fast for most Rwandans: When the government wants something, it wants it immediately, and it sets close and clear deadlines.

As most Rwandans make their living in a subsistence economy, land and agricultural policies are good examples of the regime's modernizing policies. Rwanda's 2005 land law made a radical and sudden break with past practice. The law aimed to create a private land market (through a registration system for individual tenures) and to enlarge holdings (through a system of consolidation). In practice, it has widened class divisions and probably exacerbated ethnic divisions. With this law's implementation, the number of landless peasants has dramatically increased, as has the number of absentee landlords, including some with very large holdings. As Tutsi absentee landlords are seen to be grabbing the land of Hutu peasants, this policy could have dangerous implications for Tutsi-Hutu relations.<sup>25</sup>

In 2006, the government mandated that farmers grow cash crops. Compulsory monocropping thus replaced the multicropping that had always shielded peasants from climate or market setbacks. Each region is supposed to plant the species best suited for that area and to employ new farming techniques. This authoritarian transformation included a mass rollout of commercial seeds, imported fertilizers, and pesticides. Production rose substantially as a result of the new policies, but agricultural diversity has plummeted and the price of staple foods on the local markets has sharply increased. The imported hybrid seeds that farmers are forced to use are expensive and cannot be saved and replanted. So farmers are now dependent on a complex supply chain for seeds that they used to produce themselves.

The regime explains its land and agricultural policies using techno-

cratic terms such as security of tenure, efficient exploitation, plot consolidation, optimal management, and productivity. Yet beneath these neutral concepts lies a risky policy with potentially devastating effects on peasants' lives. According to André Guichaoua, this modernization drive imposed on rural communities has resulted in regional famines and the increasing impoverishment of landless farmers.<sup>26</sup>

Rwanda's efforts to engineer a total transformation are informed in part by a strong belief among RPF elites that they are right and that those who criticize them—even their friends—are wrong. Yet James C. Scott, an eminent scholar of such transformations, has found "a pernicious combination of four elements in . . . large-scale forms of social engineering that ended in disaster": 1) the administrative ordering of nature and society; 2) a high modernist ideology that believes it is possible to rationally redesign human nature and social relations; 3) an authoritarian government that is "willing and able to use the full weight of its coercive power to bring these high-modernist designs into being"; and 4) "a prostrate civil society that lacks the capacity to resist these plans."<sup>27</sup> This combination describes postgenocide Rwanda to a tee.

### A Price Worth Paying?

Donors do worry that, by supporting the regime, they are supporting policies and behavior that could lead Rwanda to disaster again. Yet they also implicitly accept that authoritarianism is a price worth paying for socioeconomic progress. Aid agencies consider their money to be well spent in Rwanda and continue to engage in the wishful thinking that the regime will someday move in the "right" direction. (Ethiopia, which shares many political characteristics with Rwanda, is another country where donors are engaging in this kind of trade-off.)

The United Kingdom, one of Rwanda's main donors, is a good example. In its December 2003 Country Assistance Plan for Rwanda, the U.K. Department for International Development (DFID) stated: "We believe that the government as a whole remains committed to progressively opening up space for legitimate political debate and freedom of expression." In fact, there turned out to be a closing of space in subsequent years, but DFID refrained from assessing Rwanda's political "progress." Eight years later, DFID's Operational Plan 2011–2015 did note "constraints on rights and freedoms" in Rwanda and a growing "concern that power is too highly centralized, with unpredictable consequences for long term political stability, economic development and human rights." Again the agency refrained from proposing ways to deal with these concerns.

In fact, donors have disagreed among themselves on both facts and their interpretation, implying likely errors somewhere. In the case of Rwanda, such errors are potentially very costly—not so much for donors, whose only risk is losing money, but rather for the Rwandan people,

whose lives are at stake. Some donors have invested large sums of money and a great deal of political support in Rwanda, and they will continue to support the "model" to avoid its collapse and the loss of their investment. As elsewhere, donors and recipients need each other: Donors need success stories, recipients need money, and neither wants to rock the boat.

It should serve as a warning that, despite a number of differences, there are striking continuities between Rwanda's pregenocide and post-genocide regimes. First, statehood in Rwanda, unlike many other African states, is strong and well-internalized by its citizens. Rwanda is not a colonial creation, and its ancient state tradition plays an undeniable role in maintaining an efficient pyramid-like governing structure. Second, the regimes both before and after the genocide have believed strongly in managing, monitoring, controlling, and mobilizing the population. The current regime, however, goes much further, and the dislocation caused by its invasive policies could prove irreversible by the time their destructive effects become clear. Third, Rwanda was a "donor darling" before 1994, just as it is today. Habyarimana's Rwanda was seen as a "laboratory of development." The current regime's development plan, "Rwanda Vision 2020," echoes the five-year development plans in vogue under the Second Republic (1973–90). Fourth, and possibly most important, is the pervasiveness of "structural violence," which has given rise to widespread resentment, frustration, marginalization, fear, and even hatred among many Rwandans, both ordinary people and elites, Hutu and Tutsi. These are ingredients for a highly combustible situation that could explode into renewed fighting.<sup>28</sup>

Some have argued that a degree of authoritarianism is necessary in Rwanda, because the country is still politically fragile and because socioeconomic progress can reduce political demands and tensions. A recent strand in research challenges "naïve liberalism" and argues that "developmental regimes" in Africa are possible, so long as they are not required to provide transparent, accountable, and democratic governance.<sup>29</sup> But, in the case of Rwanda at least, what about the risk of violent government repression or heavy-handed, top-down policies that serve only part of the population? Steven Radelet has argued convincingly in these pages that "the rise of more democratic and accountable governments" is one of the key factors that has provided the basis for the sustainability and expansion of Africa's initial development successes.<sup>30</sup> He finds no contradiction between democracy and development. Quite the contrary, his data suggest a strong positive relationship between democratic governance and economic performance in seventeen emerging African countries (Rwanda is one of four exceptions). Moreover, other African countries have deep ethnic divisions but, rather than trying to erase them, they are seeking to manage them via democratic institutions and respect for human rights.

So the argument that political repression is necessary for development is empirically unsustainable. The Kagame regime's policies are reminis-

cent of colonial days, when politics was obscured by a focus on technocratic improvements in infrastructure, health, and education. Similarly, the RPF regime runs Rwanda like a corporation and seems to believe that its citizens are not political beings. In the long run, this is a risky strategy. Rwandans are resilient people, but if resentment, injustice and inequality are as widespread as consistent field data suggest, the metaphor that naturally comes to mind is that of a volcano waiting to erupt. If that happens, Rwanda could once again see mass bloodshed that spills across its borders.

### NOTES

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5. Commonwealth Secretariat, "Report of the Commonwealth Observer Group: Rwanda Presidential Elections, 9 August 2010," n.d., 25.

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16. UN Office of the High Commissioner for Human Rights, *Democratic Republic of the Congo, 1993–2003: Report of the Mapping Exercise Documenting the Most Serious Violations of Human Rights and International Humanitarian Law Committed within the Territory of the Democratic Republic of the Congo Between March 1993 and June 2003*, Geneva, August 2010, para. 31.

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18. Quoted in Marc Sommers, *Stuck: Rwandan Youth and the Struggle for Adulthood* (Athens: University of Georgia Press, 2012), 20, 21, 50.

19. Nik Gowing, “New Challenges and Problems for Information Management in Complex Emergencies: Ominous Lessons from the Great Lakes and Eastern Zaire in Late 1996 and Early 1997,” paper presented at Dispatches from Disaster Zones conference, Oxford, 28 May 1998, 4, 15.

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