



Conscience and Peace Tax International

Internacional de Conciencia e Impuestos para la Paz

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Submission to the 94th Session of the Human Rights Committee: October 2008 Conscientious Objection to Military Service: RWANDA

Rwanda has never used conscription in order to recruit its national armed forces, although at various times armed opposition groups which had formerly been or were subsequently to form the government were accused of widespread forced recruitment, including of children, especially outside Rwandan territory.

National law makes no provision for conscientious objection, and there are no reports that this issue has yet arisen with regard to the national armed forces.

However both conscription and conscientious objection have been reported in recent years with regard to the Local Defence Forces or LDF.

These armed militias have been set up with Government support in communities around the country. The recruitment into these militias began on a strictly local level, with no element of government control. Although it was mainly voluntary, some local authorities have reportedly resorted to conscription. Despite a minimum legal recruitment age was of 18, there was reportedly widespread recruitment of minors into the LDF - especially of street children into LDF units sent to fight in the DRC. As recently as 2003 it was reported that children as young as 14 were to be found in the ranks of the LDF.¹ Thereafter the government made efforts to regularise the status of the LDF; culminating in Law No. 25/2004 of 19th November 2004, "Establishing and Determining the Organisation and Functioning of the Local Service in Charge of Assisting in Maintenance of Security Referred to as 'Local Defence'", which inter alia set a minimum recruitment age of 18, since when no fresh cases of juvenile recruitment have been reported.²

It has not been reported that Law No. 25/2004 included provisions on conscientious objection, but successive editions of the US State Department's

¹ Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004*, pp 90, 91.

² Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2008*, (<http://www.childsoldiersglobalreport.org/content/rwanda>)

Religious Freedom Report³ have documented numerous detentions and beatings of Jehovah's Witnesses for "disobeying government emergency security policy"; their offence having been that they have refused on grounds of conscience to take part in night-time security patrols. Such arrests were reported in April and May 2002 in three provinces; none apparently occurred in 2003, but then in 2004, at least 209 Jehovah's Witnesses were detained for between one day and one month "on alleged security grounds", including in six of the twelve provinces for refusing to participate in security patrols.

In the year 2005, a total of 93 Jehovah's Witnesses were imprisoned for refusal to take part in night-time patrols. The majority were released without trial, but eleven were eventually brought to court and sentenced to between three and six months imprisonment, and a twelfth was charged with "rebellion" for the same offence, and also sentenced to six months imprisonment. Two others who had been sentenced in the early part of the year to one year and eight months, respectively, also on charges of rebellion for which the sole evidence appeared to be the refusal to participate in security patrols, had their convictions overturned on appeal.

Between February and May 2006, at a least a further forty-eight Jehovah's Witnesses were imprisoned on the same grounds, a further 26 in the latter half of 2006, and 22 in the first half of 2007, for up to two weeks. In at least one case senior officials from the Ministry of the Interior intervened to secure the release of those held.

It is not known how many persons other than Jehovah's Witnesses were detained on similar charges, and whether any others may also have been acting from motives of conscience.

In some districts, the State Department reports from 2006 onward note, local authorities agreed to make "alternative service" in, for instance, community building projects available to Jehovah's Witnesses who objected to participating in armed patrols. Government officials helped mediate similar solutions elsewhere, but of course in the absence of legislation were unable to enforce appropriate responses to cases of conscientious objection to military service.

CPTI suggests that the State Party be asked what steps it is taking to ensure that the right of conscientious objection to military service is guaranteed, and in particular whether the 2004 Law regulating the Local Defence Forces contains provisions to ensure that no conscientious objectors are imprisoned or otherwise mistreated by local authorities for their refusal to take part in night-time security patrols.

18th August 2008

³ <http://www.state.gov/g/drl/rls/irf>