



AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS
COUR AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES

Case Summary: Application No. 023/2015

LAURENT MUNYANDILIKIRWA (Applicant)

V.

THE REPUBLIC OF RWANDA (Respondent)

The Applicant asserts that he is a Rwandan human rights lawyer and a former president of the Rwandan League for the Promotion and Defense of Human Rights (LIPRODHOR). In this capacity, the Applicant served the League from December 2011 until he was illegally ousted from the organization in July 2013. He is represented by the International Federation for Human Rights (FIDH) and Robert F. Kennedy Human Rights (RFKHR). The Applicant submits his case against the Republic of Rwanda.

1. The Applicant states that LIPRODHOR is a human rights organization that has been monitoring and conducting advocacy around human rights issues in Rwanda following the 1994 genocide. Over the years, various forms of administrative obstacles, threats and arbitrary arrests of its leaders, and active interference by the Rwandan government have constrained the ability of the organization to carry out its independent human rights work. The persistent repression notwithstanding, LIPRODHOR remained committed to operating as an autonomous organization under the leadership of the applicant.
2. On July 21, 2013, the Applicant contends, an informal consultation was called to remove the duly appointed leadership of LIPRODHOR, including the applicant, because they were considered as being too critical of the human rights violations committed or tolerated by the Rwandan government. Those present at the

informal consultation purported to hold a vote in violation of LIPRODHOR's internal bylaws and Rwandan legislation governing national NGOs, to remove the independent, legitimate leadership of LIPRODHOR and unlawfully elected a new executive committee comprised of government sympathizers who would no longer be critical of the Rwandan government's observance of its human rights obligations.

3. Despite the highly irregular and unlawful nature of the purported vote to oust the legitimate board of directors, those who attended the meeting decided to qualify it as a general assembly and the Rwandan Governance Board (RGB) the government body responsible for civil society oversight and recognition also immediately approved of the illegal ousting of the legitimate board of directors.
4. On July 22, 2013, in response to the secret meeting compliance with LIPRODHOR's statute and national law, the applicant submitted his grievance with LIPRODHOR's internal dispute resolution organ regarding the unlawful meeting and purported "election" of the new and illegitimate board of directors.
5. On July 23, 2013, LIPRODHOR's internal dispute resolution organ issued a favorable decision to grievance filed the previous day by the Applicant and the legitimate board finding that the July 21 secret meeting was held in contravention of the organization's statute, and further declared that the legitimate board should continue to operate as the functioning leadership of LIPRODHOR.
6. On July 24, 2013, despite the internal dispute resolution organ's decision and prior notice to the Rwandan Governance Board, the Board nevertheless sent a letter to LIPRODHOR stating its official recognition of the new, unlawfully elected "board of directors" as the functioning board of LIPRODHOR.
7. On the same day, the Rwandan police prevented a previously scheduled event organized by LIPRODHOR's legitimate board intended to provide information on

the process of stakeholder submissions before the Universal Periodic Review of the United Nations Human Rights Council. Although the illegitimate board was supposed to appear before the internal dispute resolution organ on August 2, 2013, they refused to do so.

8. In response, the Applicant and members of LIPRODHOR's legitimate board filed a complaint before the Tribunal de Grande Instance of Nyarugenge against the illegitimate and unlawfully elected board and sought a temporary injunction. The Nyarugenge court rejected the request for a temporary injunction on September 2, 2013 and subsequently on appeal on October 2013. A hearing on the merits was held on March 6, 2014. Despite being an action for injunctive relief, and while the RGB acted swiftly to approve the illegitimate board within three days of the illegal vote, roughly nine months lapsed between the time the legitimate board filed their complaint before the Tribunal and when the case was heard on the merits
9. On 8 August 2014, the Tribunal dismissed the case on a technicality, holding that the complainants should have named "LIPRODHOR" as the defendant rather than the members of the illegitimate and unlawfully elected board. The Tribunal also found that the applicant and the legitimate board members did not obtain a decision from the internal dispute resolution organ before filing a complaint with the court.
10. On 23 March 2013, the High Court of Kigali dismissed the case on appeal. The Court reversed the finding of the Tribunal that the file was not submitted against the right defendant. However, despite the evidence establishing the contrary, the Court erroneously upheld the decision of the Tribunal on the second ground that the complainants did not attempt to resolve the conflict through LIPRODHOR's internal dispute organ.

11. After the applicant filed his complaint with the Judiciary, he and his other colleagues have received numerous death threats as a continuation of previous harassments related to their human rights work.
12. On 3 March 2014, the applicant, fearing for his life, went into exile fleeing the country. Yet, the death threats have continued to date.
13. On 23 November 2014, members of the legitimate board were arbitrarily arrested for attempting to hold an extraordinary session to review the status of LIPRODHOR. Although they were released at different times, some upon the order of the High Court of Kigali, the Mayor of Nyarugenge District issued a *communiqué* prohibiting the November 23 meeting from ever taking place.
14. Consequently, even though it remains under the title of LIPRODHOR, the organization no longer operates autonomously, as the current unlawfully elected leadership of LIPRODHOR has censored the organization's human rights work that is deemed to be too critical of the Rwandan government's lack of observance of its human rights obligations.
15. The Applicant alleges that Rwanda, by interfering with the rights of the applicant and by failing to prevent and sanction private violations of human rights has violated Articles 1, 2, 3, 7, 9, 10, 11, 15, and 26 of the African Human and Peoples` Charter.
16. In order to substantiate his allegations, the applicant cites restrictive domestic legislation of the respondent State, several reports of governmental and non-governmental human rights organizations such as the reports of Human Rights Watch, Amnesty International, and the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association and the UN Human Rights Council and other documents. The reports affirm the existence of a general trend of human rights violations in Rwanda.

17. The applicant prays for the Court

- i. To publicly recognize and accept responsibility for the violations perpetrated against the Applicant and the legitimate board of LIPRODHOR, giving effect to the decision of the Court and issuing a public apology;
- ii. To nullify the respective decisions of the High Court and Rwanda Governance Board denying rightful relief to the Applicant and the legitimate board;
- iii. To immediately and fully restore the Applicant and the legitimate board to their rightful positions of leadership in LIPRODHOR prior to their unlawful ousting;
- iv. To immediately initiate effective and impartial investigation into the threats and acts of intimidation against the Applicant and the legitimate board, in order to ensure that those responsible are brought to justice;
- v. To issue reparations, including prompt and adequate compensation to the Applicant, the legitimate board, the Applicants and their representatives including material damage, psychological and social services material damages, loss opportunities, and moral damage, among others that the Court should see fit;
- vi. To publicly condemn threats and other forms of intimidation against independent human rights defenders and recognize the importance of their action in favor of the promotion and protection of human rights and fundamental freedoms;
- vii. To reform the domestic legal framework regulating Non-Governmental Organizations in order to remove impermissible restrictions on the rights to freedom of association, assembly, and expression;
- viii. To take immediate and all necessary steps to strengthening independence of the judiciary;
- ix. To initiate a broader legal reform process with the purpose of creating an enabling environment for civil society in the country; and
- x. To take all other necessary steps to redress the alleged human rights violations.