

By Bugingo Silver*

Janvier Karekezi, 53, is a former director of pensions at the National Social Security Fund in Rwanda. “I’m losing trust in the justice system here,” he laments. “My employment contract was illegally terminated in early 2006. The employer owed me two months’ wages. I challenged them in courts of law and won the case at the first instance.”

“The respondents appealed the decision to the high court, which reversed the decision in favor of the employer on flimsy procedural grounds. I have no doubt whatsoever that the judge was bribed,” Karakezi emphasized.

Jean Claude Karenzi, a former employee at the Rwanda Privatization Secretariat, expresses a similar frustration. “I was involved in a motor accident and sustained a serious injury while on duty. Following the accident, I was sent on unpaid sick leave. Two months later, after I recovered, I repeatedly sought restitution for lost wages, but my efforts were in vain. As a last resort, I filed a lawsuit in March 2007.”

“Despite all the documentary evidence, including a valid contract, a letter granting my sick leave and accompanying medical documents, the court ruled in favor of my employer. I was shocked. I appealed the decision in March of this year (2009), but the court hearing is not scheduled to take place until March of next year. It’s really unfair because justice delayed is justice denied,” he said.

“The traffic rules and regulations in this country are unrealistic,” says Innocent Kaganga, a taxi driver in Nyagatare, in Rwanda’s eastern province. “The slightest error, real or imaginary, can result in a huge fine. Can you imagine? For example, a charge of excessive speed — whether real or imaginary — by traffic police can result in a fine of 150,000 Rwanda francs (US\$264).”

“Here in the countryside, it can take over three weeks to raise that amount of money. On the other hand, if you can persuasively plead with the traffic constable on duty, he may accept a token fine of, say, 40,000 francs (US\$70). That’s better,” the driver shyly confesses.

2008 Annual Report on Corruption in Rwanda

The 2008 Annual Report on corruption, presented to the Rwandan Parliament by Chief Ombudsman Tito

Rutaremara PhD, exposes the injustices, corruption and related malpractices committed by public officials.

The report of the injustice and anti-corruption watchdog revealed that traffic police and the judiciary were the first and second most corrupt public institutions in the country, respectively.

Almost half (47 percent) of the petitions made by citizens to the Ombudsman were about unjust decisions made by local government authorities. The report also revealed that 40.2 percent of the valid complaints were related to definitive court decisions that were not enforced — the ombudsman later requested that public court bailiffs execute the decisions without fear or favor.

The ombudsman's report garnered a lot of criticism, especially from the institutional authorities who were implicated. Critics claimed that the report was "unscientific." In response to these claims, Ombudsman Rutaremara says: "Their arguments are baseless. We asked specialists to conduct a survey about how citizens perceive governmental organizations. This survey only reports their perceptions."

Rutaremara also says that his office lacks the capacity to monitor and expose corruption: The 6-year-old institution has a workforce of only 38 employees who are responsible for investigating all Rwandan institutions.

Rutaremara cites a weakness in the law that prevents his office from divulging the names of individuals accused of corruption unless they have been convicted in court. "We have requested that there be a new law that would allow us to publicly report current documented cases of corruption," he adds.

Cases of Fraud

The 2008 Auditor General Report, presented to parliament in mid-2009, states that public institutions failed to account for more than 6.5 billion Rwanda francs (US\$11.5 million).

"Public financial management and accounting procedures require that all expenditures be sufficiently supported by valid documents, purchase orders, payment vouchers, third-party receipt acknowledgements. Contrary to the procedures, some of the entities that were audited claimed expenditures that were not supported by verifiable documents," the report states.

The report also discloses that some tenders totaling 2.1 billion Rwanda francs (US\$3.1 million), were awarded without providing evidence that they had been approved by competent internal tender committees.

Evelyn Kamagaju, Auditor General, admits: “There are still a lot of challenges. An assessment of previous audit recommendations shows that significant irregularities still persist.”

“I believe that enactment of an accounting law will contribute to the establishment of professional norms and standards for the auditing and accounting profession in Rwanda,” she declares. She proposes the establishment of a public accounts committee in the legislature to enhance the committee’s oversight role.

Parliament has yet to summon the executive arm to debate the validity of the alleged irregularities (regarding the unverified expenditures) revealed by the Auditor General’s office, and to explain what punitive measures are being taken. However, reliable information indicates that most of the alleged offenders are either on trial in the courts or in pretrial detention.

Human Rights Violations and the “untouchable syndrome”

Expressing a similar concern, the National Human Rights Commission 2008 annual report accused public security forces of committing human rights abuses in the form of illegal arrests and detention. The report was presented to parliament in September 2009.

“Leaders in a dozen African states have knowingly provided protection to a class of individuals that presumes itself to be above the law,” notes Arthur Asiimwe, a former Reuters correspondent in Kigali. He is an editor and political analyst with *The New Times*, Rwanda’s only daily newspaper. “This presumption comes because they are close to the President, the ruling political party or strong rank-and-file members of the security forces,” he adds.

So it surprised many observers when President Kagame sacked Deputy Ministers of Education Theoneste Mutsindashyaka and Dapherose Gahakwa PhD, among other members of the ruling party, Rwanda Patriotic Front (RPF). He also demoted other ministers from key positions in local government and agriculture to what is perceived as “weaker” cabinet portfolios. Other RPF members and former ministers — Patricia Hjabakiga, Angelina Muganza, Sam Nkusi, Patrick Habamenshi and Nshiti Manasseh — had previously been relieved of their duties.

“The dismissal by President Paul Kagame of those who wield a lot of political clout has demonstrated progress against the existence in African politics of what is called the “untouchable syndrome,” Asiimwe says.

President Kagame’s Campaign

The president did not mince words on the issue of accountability after he reshuffled his cabinet in August 2009. “Like I have said before, I intend to be and have always been very demanding when it comes to the issue of accountability. I intend to achieve fruitful results,” he said.

During a press conference the same month, he warned the national police and judiciary officials to shift their efforts from “blaming and finger-pointing” toward cleaning their tarnished image.

Kagame emphasized that the findings stated by the Ombudsman’s office and Auditor General’s office reports were not surprising because corruption had already been reported in most of the implicated government departments and agencies.

Regarding the high numbers of resignations and recent arrests of district mayors and other local government officials on allegations of embezzlement and abuse of authority, the president said it demonstrates that disgraced officials have failed to take personal responsibility.

“I’m not worried. People who embezzle public funds must be held accountable and refund the money they have taken,” he insisted.

A countrywide tour by this reporter reveals that more than 20 provincial and district officials and their accomplices in the private sector are currently in jail on embezzlement and tendering scam charges, pending adjudication in the relevant courts.

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