

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	127
Land:	Rwanda
Kilde:	Human Rights Watch
Titel:	Rwanda, Spate of Enforced Disappearances
Udgivet:	16. maj 2014
Optaget på baggrundsmaterialet:	12. januar 2015

[EN](#) | [DE](#)

- **Source:**
HRW - Human Rights Watch
- **Title:**
Rwanda: Spate of Enforced Disappearances
- **Publication date:**
16 May 2014
- **ecoi.net summary:** Since March 2014, an increasing number of people have been forcibly disappeared or have been reported missing [ID 276382]
- **Countries:**
Rwanda
- **Original link** <http://www.hrw.org/news/2014/05/16/rwanda-spate-enforced-disappearances>

Recommended citation:

HRW - Human Rights Watch: Rwanda: Spate of Enforced Disappearances, 16 May 2014 (available at ecoi.net) http://www.ecoi.net/local_link/276382/392464_en.html (accessed 04 September 2014)



Rwanda: Spate of Enforced Disappearances

Investigate and Publicly Account for Victims

May 16, 2014

(Nairobi) – An increasing number of people have been forcibly disappeared or have been reported missing in [Rwanda](#) since March 2014. Many of the cases occurred in Rubavu district, in Western Province.

In some cases, the whereabouts of the people involved are still unknown several weeks later. Human Rights Watch has received information that some of the people who were forcibly disappeared were detained by Rwanda Defence Force (RDF) soldiers and believes they may be in military custody.

“Enforced disappearances are a heinous crime, not least because of the anguish and suffering they cause to family and friends,” said [Daniel Bekele](#), Africa director at Human Rights Watch. “Rwandan police and judicial authorities have strict and absolute obligations to thoroughly investigate any case of enforced disappearance.”

If the people who have been forcibly disappeared have been arrested, the authorities should immediately acknowledge their detention, reveal their whereabouts, and allow them access to their families and to a lawyer, Human Rights Watch said. The authorities should either release those being held or inform them of the charges against them and bring them before a court.

Human Rights Watch collected detailed accounts of 14 people who have been forcibly disappeared or who have been reported missing in Rubavu since March and has received credible accounts of several more cases in Rubavu and Musanze districts, as well as in the capital, Kigali. In at least eight of the Rubavu cases, there were indications of involvement of state agents in the disappearances. Several witnesses said they saw the executive secretary of Gisenyi sector, Honoré Mugisha, taking part in arrests of people who were forcibly disappeared.

Rwandan officials told Human Rights Watch that they were investigating the cases, but have not provided any information on the progress or results of their investigations.

The families of many of those who have been forcibly disappeared or gone missing have written to local and national authorities, asking that their loved ones’ location be made public so that they can visit them. One received a response from the office of the mayor of Rubavu, acknowledging receipt of the letter and saying they were looking into the case. The other family members who spoke to Human Rights Watch have not received any response. One woman said she had searched for her husband in vain and was giving up hope. “I have no idea where he is, I really don’t,” she told Human Rights Watch. “He is gone without a trace.”

Information gathered by Human Rights Watch indicates that some of the people who have been forcibly disappeared may have been detained on suspicion of being members of, or working with, the Democratic Forces for the Liberation of Rwanda (*Forces démocratiques pour la libération du Rwanda*, FDLR). The predominantly Rwandan armed opposition group, based in eastern Democratic Republic of Congo, consists in part of people who participated in the 1994 genocide in Rwanda. Several of those who have been forcibly disappeared used to visit relatives or conduct business in Congo, and these movements appear to have attracted the suspicion of Rwandan authorities.

Rubavu's proximity to the Congolese town of Goma, just across the border, means that many Rwandans frequently cross the border for commercial activities. Others have relatives living in Congo.

Since 2010, Human Rights Watch has documented a number of cases of people accused of being FDLR members or collaborators, or charged with state security offenses, and who were detained incommunicado by the military and forced to confess to crimes, or implicate others, sometimes under torture. When they were eventually brought to trial, some of the defendants told the judges that their confessions had been extracted under torture. However, in many cases, the judges disregarded their claims and proceeded to convict them in the absence of any other evidence.

In view of the sensitivity of being associated with people suspected of links with the FDLR, the Rwandan government and police should ensure that relatives of the disappeared are not threatened or harmed for inquiring about their cases, Human Rights Watch said.

Civilians should not be detained in military custody, and all victims of enforced disappearances have a right to a remedy, Human Rights Watch said.

An enforced disappearance occurs when someone is deprived of their liberty by agents of the state or those acting with its acquiescence, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person.

"We are concerned that some of the people who have disappeared could face a similar fate to those accused of FDLR involvement or state security offenses in the past," Bekele said. "The Rwandan authorities should make every effort to locate these people."

For details about the circumstances of the disappearances, recommendations, and a summary of some of the cases Human Rights Watch investigated, please see below.

Involvement of Military and Local Government Officials

Several witnesses told Human Rights Watch that they saw a local government official and RDF soldiers detaining some of those who have disappeared.

On April 16, two village chiefs, Elie Semajeri and Shamusu Umubyeyi, and a traditional doctor, Jean-Bosco Bizimungu, were detained in the Kabuga, Majengo, and Ihuriro neighborhoods of Gisenyi sector. Local residents said that soldiers, together with the executive secretary of Gisenyi sector, Honoré Mugisha, detained these people near their homes. Witnesses also cited Mugisha in connection with other disappearances.

Mugisha told Human Rights Watch on May 8 that he had heard rumors of these accusations against him but said he did not understand them. He maintained that on April 16, he was in Ruhengeri, a town more than an hour away, visiting his sick mother, and said he did not learn that the two village chiefs had disappeared until April 18.

Yet six witnesses separately confirmed to Human Rights Watch that Mugisha was personally involved in the detentions on April 16. Witnesses told Human Rights Watch that when local residents questioned the detention of Umubyeyi, Mugisha said he took responsibility for it and said: "We are going to ask her some questions and then we will release her." Similarly, Mugisha told a person close to Semajeri: "He has questions to answer and then we will release him."

The Rwandan Penal Code prohibits kidnapping and unlawful detention and specifies that it is an offense for public servants to be involved in acts violating individual liberty. Failure by public servants who are aware of an illegal deprivation of an individual's liberty to assist or to seek assistance from a competent authority to end it also constitutes an offense.

The Rwandan Penal Code states that any civil servant who puts or retains a person in detention without a legal order shall be liable to a term of imprisonment equivalent to the term incurred by the illegally detained person. An act of enforced disappearance is not yet defined as a crime under national law, although the Penal Code recognizes enforced disappearances as one of the acts that can constitute a crime against humanity.

Official Response

Human Rights Watch met with the District Police Commander of Rubavu District, Karangwa Murenge, on May 8. Murenge agreed that the number of reported cases of missing people had increased. He told Human Rights Watch: "I have seen the letters that have been dropped off here in which people say that they have loved ones missing. We are doing investigations. Just until now we can't say how this is happening. We are trying to figure out what is going on."

He disputed a list of 14 names presented by Human Rights Watch saying, "I really don't think this can be right. This is too many people." He said: "We are next to the DRC [Democratic Republic of Congo]. Some people can leave for the DRC for days or weeks or even months and not tell others."

"If a soldier arrests a civilian, then he [the civilian] should immediately be sent to me," he said. "The military can never arrest a civilian."

On May 9, local and provincial officials held a public meeting at the football stadium in Gisenyi sector. Before this meeting, a rumor was circulating that the people who had been subject to enforced disappearance or were missing would be presented to the crowd.

This did not happen, but officials, including the governor of Western Province and the mayor of Rubavu, urged the population to reinforce local security efforts. A senior military official, Major General Mubarak Muganga, reportedly told the crowd that the RDF was detaining people who would later be presented to the public. He said these people had been detained because they collaborated with the FDLR and had confessed to this voluntarily.

Human Rights Watch raised cases of the disappeared and missing people with Brigadier General Joseph Nzabamwita, the spokesman for the RDF, on May 13. Responding to concerns that RDF soldiers may have been involved in unlawful detention, Nzabamwita said, "The RDF does not engage in such." He questioned the relevance of Major General Muganga's statement that the RDF was detaining people to reports of people subject to enforced disappearance.

Human Rights Watch also raised these cases with Justice Minister Johnston Busingye in an email on May 12. On May 13 Human Rights Watch met with Busingye, who said he would look into them.

The Law on Disappearances and Recommendations

The absolute prohibition on enforced disappearances is part of customary international law and is included as a crime in the Statute of the International Criminal Court (ICC). Multiple human rights instruments also address enforced disappearances. Rwanda has yet to ratify the International Convention for the Protection of All Persons from Enforced Disappearance.

Although a discrete crime in and of itself, the act of enforced disappearance has also long been recognized as simultaneously violating multiple human rights protections, including the prohibition of torture and freedom from arbitrary arrest and detention. An enforced disappearance is also a "continuing crime:" it continues to take place so long as the disappeared person remains missing, and information about his or her fate or whereabouts has not been provided.

An enforced disappearance has multiple victims. Those close to a disappeared person suffer anguish from not knowing the fate of the disappeared person, which amounts to inhuman and degrading treatment. They may also be further treated in an inhuman and degrading manner by authorities who fail to investigate or provide information on the whereabouts and fate of the disappeared person. These aspects make disappearances a particularly pernicious form of violation, and highlight the seriousness with which the authorities should take their obligations to prevent and remedy the crime.

The Rwandan government should ensure that:

- All authorities who have received inquiries from families of people who have disappeared or are missing reply promptly, providing all known information on the whereabouts and fate of these people and on steps being taken to acquire such information if not readily available;

- District and national authorities investigate all reported cases of enforced disappearances;
- All those forcibly disappeared are immediately released or brought before a judge and any further custody is conducted in strict compliance with Rwandan and international law. Such custody should only be possible on the basis that the individual has been charged with a criminal offense, for which they will be promptly given a fair trial, with guarantees for absolute respect for their due process rights;
- No information collected during the time the person was disappeared or that may have been acquired through torture or any other prohibited ill-treatment is allowed to be used as evidence in criminal proceedings, other than against those who engaged in any torture, ill-treatment or the act of enforced disappearance; and
- All those involved in the acts of enforced disappearance are investigated and prosecuted under Rwandan law.

Selection of cases of disappearances in Rubavu district March to May 2014

Anne-Marie Murekatete – Disappeared on March 18, 2014

Anne-Marie Murekatete, 27, is an intern at the health clinic in Gatyazo, in Nyamyumba sector. She studied nursing in Congo. On March 18, she was taken by men in a vehicle just outside the clinic where she worked.

A witness told Human Rights Watch:

It was between 8:30 and 9 a.m. [and she was] dressed in her work clothes. She got a call from a girl she had studied with in Congo. I could hear the conversation. The caller said that Anne-Marie had to go outside. There was a vehicle parked there [and] two people were on the road. The men were in civilian clothes. The vehicle was a white pickup truck with tinted windows ... As she was walking toward the truck, she was talking on the phone ... One of the men said to her, 'Is it you [the caller] is looking for? She is in the vehicle, you can find her there.' As she got near the vehicle, the two men pushed her inside. They were walking behind her as she walked toward it and forced her inside. Then they sped off.

On April 14, a relative of Murekatete wrote letters to local government officials explaining what had happened and asking for help in finding her.

A relative inquired about her case in April at a regular district security meeting at which a member of the RDF addressed the local population. The RDF official responded: "If it is the enemy who took her, we will look for her. If she is with us, it is because there are things we need to ask her. We need to ask her questions and then we will release her."

Although the men described as detaining Murekatete were dressed as civilians, the white vehicle into which she was forced matches the description of other vehicles allegedly used by government forces and civilians to detain other disappeared people.

Elie Semajeri – Disappeared on April 16, 2014

Elie Semajeri, 50, is the village chief of the Majengo neighborhood in Gisenyi sector. On April 16 uniformed armed soldiers arrived at his home around 11:30 p.m., accompanied by men in civilian clothes. They told one of his children, "Go tell [Semajeri] we need him now."

An individual close to Semajeri who was near his home told Human Rights Watch:

Elie thought it had something to do with the neighborhood, so he got up and put on a jacket ... [Another person] went outside and saw the soldiers walking Elie out of the compound. She then saw him try to resist and they [the soldiers] pushed him. She yelled, '[Semajeri] is being arrested!' [Others] ran outside and threw stones at neighbors' houses to tell everyone what was happening and to tell people to come outside...

I saw Honoré, the executive secretary, with the soldiers. The soldiers had their guns out and were pointing them up and down the street. Elie was being put into a vehicle and he yelled, 'Look! They are arresting me! They are taking me and I will die!' He was also crying. He yelled, 'All the neighbors must see this!' At this moment, they forced him into a vehicle. It was a white pickup truck.

Another witness told Human Rights Watch:

It was around 11 p.m. in the evening ... I was in bed and all of a sudden, I heard a child crying, 'Get up! They are taking [him]!' I got up and opened the door. I saw soldiers... and men in civilian clothes. As I went outside, I saw Elie being taken by three men in civilian clothes. They told him to sit down and a soldier guarded him. There were many soldiers around. We all started to cry, 'No! You can't take him at night! He should stay here.' There were many people around. Elie was yelling, 'No! Don't arrest me! ... Leave me alone, I don't want to go!' We started to resist and the soldiers started to threaten us ... A soldier pushed me to the ground. The soldiers scared the people back and they took Elie away in a white vehicle.

An individual close to Semajeri phoned Mugisha, the executive secretary of Gisenyi sector, who said, "He [Semajeri] has questions to answer and then we will release him."

The next day, a relative of Semajeri went to Gisenyi police station to look for him. The police told her he was not there, and advised her that if he had been arrested by the military, she should check at the military camp.

On May 2 Semajeri's relatives dropped letters at local government offices explaining how he was arrested by soldiers in the presence of Mugisha. They have not received a response.

Shamusi Umubyeyi – Disappeared on April 16, 2014

Shamusi Umubyeyi, approximately 45, is the village chief of the Ihuriro neighborhood in Gisenyi sector. On April 16, when soldiers arrived near Semajeri's home (see above), one of Semajeri's relatives ran to Umubyeyi's home to inform her. As Umubyeyi was leaving, soldiers, accompanied by Mugisha, arrested her. Umubyeyi was last seen at a parking lot near the football stadium, where Mugisha and the soldiers had escorted her.

A local resident told Human Rights Watch:

We heard all the cries and we got up and went to look outside. People were running around yelling, 'Come! Come! [Elie Semajeri] is being arrested!' Shamusi got up in her night clothes and left her house. Near my house she stopped to talk to some local demobilized soldiers ... At this moment the vehicle that took Elie came back. It was a white pickup truck. The executive secretary got out and approached me and asked where Shamusi was. His name is Honoré Mugisha.

He called Shamusi's phone and I heard him say, 'Come back, we need to see you.' She came [and] they greeted each other. Honoré said to her, 'You too. We are looking for you. If your conscience is clean, then come and explain yourself.' Shamusi said, 'I have no problems. I am here to see what has happened. I see you are a leader, so I will come.' Honoré was with three men in civilian clothes ... and three soldiers who were armed. [As she was walked off, some people asked] Honoré, 'Who is arresting our neighbor?' He said, 'I am responsible. Go back to bed.'

Another local resident told Human Rights Watch, "When the military was taking Shamusi away, the population was crying out. Honoré got out of his truck and said to the population, 'No, stay calm, we are going to ask her some questions and then we will release her.'"

On April 25 relatives of Umubyeyi dropped off letters at local government offices explaining how she was arrested and requesting help in finding her. They have not received a response. When a person close to Umubyeyi inquired about her at the Division III military headquarters in Gisenyi, commonly known as "CEPGL," a military official told him, "If you continue to insist on following this case, you too could become a victim."

Hassani Bizimana – Disappeared on April 16, 2014

On April 16, a soldier arrested Hassani Bizimana, 44, in the Ubutabazi neighborhood in Gisenyi sector, as he was closing his shop. A witness told Human Rights Watch:

It was around 6 p.m. and he was closing the shop. All of a sudden, a soldier was there ... I turned around and I saw Bizimana ... He said, 'This soldier is saying they are going to take me somewhere.' He yelled, 'People! Look, the military are taking me somewhere! If you can't find me, know that it was them who took me!' I approached the soldier and tried to see his name, but the tag on his uniform had been removed. People started to approach, so the soldier said to Hassani, 'Ok, let's go.' Someone yelled, 'What has he done?' The soldier said, 'The people in charge of intelligence told me to take him.'

Another witness confirmed this, telling Human Rights Watch that he saw a soldier with a gun walking away with Bizimana and heard Bizimana shout out that he was being arrested.

An individual close to Bizimana went to the police station the same night to look for him, but the police told him that those arrested by the military were taken to a military base commonly known as the “gendarmierie,” near the border with Congo.

The next morning he went to the “gendarmierie.” Soldiers there asked him, “Who said he was arrested by the military? Is everyone in a uniform a soldier?”

On May 2 a relative of Bizimana dropped off letters to local government and police offices reporting Bizimana’s detention by a soldier and requesting that his location be revealed. There has been no response.

Jean-Bosco Bizimungu – Disappeared on April 16, 2014

Jean-Bosco Bizimungu, 51, is a traditional doctor who lives in the Kabuga neighborhood in Gisenyi sector. He often visited Congo as he had family there. Witnesses said that the executive secretary of the sector, accompanied by soldiers, detained him on April 16. One of them told Human Rights Watch:

It was around 1:30 a.m. when the executive secretary accompanied by the military went to his house. The executive secretary is named Honoré Mugisha. They knocked on the door and yelled, ‘Get up and open this door!’ Bizimungu opened the door and they said, ‘We have a man with a sick stomach. We want you to care for him.’ Bizimungu asked, ‘Where is he?’ They said, ‘You must come’ and they wanted to take him. Bizimungu said, ‘I am not leaving my house. Bring him here.’ Then the soldiers entered by force and they took him ... There were six soldiers in uniform. They walked Bizimungu to the stadium where they had vehicles waiting.

Other witnesses also told Human Rights Watch they saw soldiers walking Bizimungu to the stadium.

The next morning a relative of Bizimungu’s went to the village chief to explain what had happened. The chief said, “You were not the only one with this problem last night. You should go look at the police.” The relative was not able to find Bizimungu at the police station.

Alphonse Butsitsi – Disappeared on April 22, 2014

Alphonse Butsitsi, 78, is well known locally, due to his age and outgoing personality. He lives in the Majengo neighborhood in Gisenyi sector. He was detained in town on April 22.

A witness told Human Rights Watch:

I was walking home with other people. A vehicle with Congo plates, a white pickup truck with tinted windows, passed me and parked in front of the Baptist church. Some men got out onto the road. There were three men in civilian clothes and one in a soldier’s uniform. The soldier was not armed. Butsitsi was on his bike. One of them called him. He went to them and they told him to get into the car. He agreed and they put the bike in the back of the truck.

The vehicle then sped off. Butsitsi has not been seen since.

The day he disappeared, Butsitsi’s relatives checked the local police cells but he was not there. On April 23 and 25, his relatives dropped letters at local government offices explaining how Butsitsi was detained and requesting assistance in finding him. They later received a letter from the office of the mayor of Rubavu, acknowledging receipt of their letter and saying they were looking into the case.

Individuals close to Butsitsi also inquired about him at the Division III military headquarters. They were not able to make direct inquiries to officers, but soldiers at the base asked them, “Does [Butsitsi] go to the DRC often?”

Virginie Uwamahoro – Disappeared on April 23, 2014

Virginie Uwamahoro, 38, is the director of a primary school in Gisenyi sector. She studied in Goma (eastern Congo), completing her degree in 2013.

On April 23 Uwamahoro was returning from a meeting in Kigali. Before arriving in Gisenyi, she called an individual close to her and said that Mugisha was looking for her, so she had to see him first. She never returned home.

An individual close to Uwamahoro asked Mugisha where she was. He said: “I asked [Mugisha] ‘Where is she and how can I see her?’ He said, ‘No, stay calm.’ But I insisted. I wanted to know where she was and he said, ‘I can’t tell you because if I reveal secrets, I risk consequences.’ He did tell me, though, that she had been arrested at the bus station in Gisenyi.” The person inquired at the police but the police simply told him to wait.

On April 25, April 29, and May 2, a relative of Uwamahoro wrote letters explaining to local officials that she was missing and asking them to reveal her location. There has been no response.

Selemane Harerimana – Disappeared on April 30, 2014

Selemane Harerimana, 38, works as a mason in Rubavu district and in the town of Goma, eastern Congo. He lives in the Amahoro neighborhood in Gisenyi sector.

On April 30 Harerimana left his home in the morning as usual. Later that morning he called a friend and told him he was being detained. He said he was going to be taken to the “gendarmerie” in the vehicle of the executive secretary. His friend went directly to the “gendarmerie” to look for him. He told Human Rights Watch:

They would not let me in, but I saw the vehicle of the executive secretary there. I stayed outside and watched as Selemane was put into a white pickup truck ... I followed the truck to “CEPGL” but I could not get in. After seeing the truck go into “CEPGL”, I decided to ask the people there. [They said] ‘He was in the DRC a lot, so we arrested him to see what he does and to see if he collaborates with the FDLR.’

published on

