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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Maat for Peace, Development and Human Rights Association, a non- governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[19 August 2020]

* Issued as received, in the language(s) of submission only.

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Enforced disappearances in Rwanda

Preface

Since attaining power in 1995, the leadership of Rwanda has become a model for economic growth and development in Africa. However civil and political rights remain severely stifled. The Government which is dominated by the Rwandan Patriotic Front (RPF) exerts complete control over political space and does not condone opposition or criticism. As a result, it is constantly being accused of intimidation, torture, arbitrary arrests as well as the false disappearances for daring to the Government¹. More importantly, the perpetrators of these crimes are rarely held accountable as the judiciary lacks independence, to investigate security sector abuses, including reported enforced disappearances.

The Rwandan Penal Code prohibits kidnapping and unlawful detention and also specifies it as an offense for the involvement of public office holders in acts of abuse and violation of individual liberties. In addition, public servants who are aware of and fail to assist or to seek assistance from a competent authority to end an illegal deprivation of an individual's liberty, also constitutes an offense². This implies that Rwanda is bound by both national law and international treaty obligations to act on allegations of torture and enforced disappearances, as well as to take steps to prevent such abuses.

Maat for Peace, Development and Human Rights strongly condemns the persistent harassment and worrying pattern of enforced disappearances of political opponents, journalist and other civilians as an unacceptable breach of Rwandan and international law. The fact that journalists and political opponents could disappear without traces and investigations needs to be urgently addressed. It is therefore imperative that the rule of law is upheld to guarantee protection of the rights to life, liberty and security, as well as to carry out proper investigations capable of identifying perpetrators of such incidents.

Incidents of enforced disappearances in Rwanda

Although article (24) of the Rwandese Constitution guarantees the Right to Liberty and Security of a person³; in the last few years, there have been series of mysterious disappearances particularly of members of the FDU-Inkingi, a coalition of opposition parties against the current President Paul Kagame. The continuous patterns of forceful disappearances are proving that belonging to the opposition is a huge risk as members disappear without traces and cases remain cold and unsolved⁴.

Notable among these reports are: On March 26, 2016, political activist and FDU-Inkingi member Illuminée Iragena went missing on her way to work as a nurse at the King Faisal Hospital Kigali. While there are no official reports on her disappearance, notable sources allege that she was tortured and died while in custody⁵. In 2017 Jean Damascene Habarugira, who spoke out against the agricultural policy and brutality of the police suddenly disappeared after being called to a meeting with a local security officer. Three days later, his family was called to collect his body from a local hospital where eyewitnesses explained that Habarugira's eyes had been torn out and his head almost cut off⁶. Eugène Ndereyimana, was reported missing on October 15, 2019 after failing to show up for an FDU-Inkingi meeting in Nyagatare in Eastern Province⁷. Also in October 2018, the deputy leader of the FDU-

¹ <https://www.hrw.org/news/2020/07/09/human-rights-watch-submission-universal-periodic-review-rwanda>.

² https://sherloc.unodc.org/res/cld/document/rwa/1999/penal-code-of-rwanda_html/Penal_Code_of_Rwanda.pdf.

³ https://www.constituteproject.org/constitution/Rwanda_2015.pdf?lang=en.

⁴ <https://www.dw.com/en/rwandas-disappearing-opposition/a-49887045>.

⁵ <https://www.amnesty.org/en/latest/news/2017/03/rwanda-come-clean-about-fate-of-missing-activist-illuminee-iragena/>.

⁶ <https://www.dw.com/en/rwandas-disappearing-opposition/a-°·SW53hl>.

⁷ <https://www.amnesty.org.uk/press-releases/rwanda-opposition-politician-stabbed-death-latest-suspicious-attack>.

Inkingi, Boniface Twagirimana who had been charged along with other party members with state security offenses as part of a larger effort to stifle free speech after the 2017 elections, reportedly disappeared from his prison cell in Mpanga, southern Rwanda. Anselme Mutuyimana, a close aide to FDU-Inkingi president Victoire Ingabire was reported to have been found strangled to death in a forest in North Western Rwanda on March 9, 2019⁸.

While some have disappeared without traces, others have suddenly reappeared after weeks or months of disappearance. On February 14, 2017, Violette Uwamahoro, the pregnant wife of Faustin Rukundo, an active member of the Rwanda National Congress (RNC), an opposition group in exile, went missing from a bus stop in Kigali⁹. Although the Rwandan government officials initially denied knowledge of her whereabouts, it was confirmed on March 3, 2017 that she was in police custody, revealing the fact that she had been detained incommunicado for two weeks¹⁰. Similarly, on March 6, 2017, Sana Radio journalist John Ndabarasa, who had gone missing on August 8, 2016, suddenly resurfaced in the State capital, Kigali. Although Ndabarasa told journalists that he left the country and come back voluntarily, his story raised suspicion, mainly because of his links to Joel Mutabazi, a former presidential bodyguard sentenced to life imprisonment in 2014 for security-related offenses¹¹. Furthermore, there are several reports documenting years of abuse in military camps around the State Capital Kigali and in the Northwest, where many of the detainees are victims of enforced disappearances¹².

Recommendations

Therefore, Maat for Peace, Development and Human Rights (Egypt) provides the following recommendations to the Rwandan Government to take the following measures to combat impunity particularly for the crime of enforced disappearances:

- Ratify the International Convention for the Protection of All Persons from Enforced Disappearance and acknowledge the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of victims or other states parties, as provided in Articles 31 and 32 of the Convention;
- Reaffirm regard and respect for the rights to Liberty and Security of a person, freedom of expression, freedom of association and peaceful assembly as provided in the constitution, and ensure that all levels of government, including the State police, and security forces refrain from any unlawful restrictions on these rights.
- Ensure that all cases of enforced disappearances are thoroughly and impartially investigated, that perpetrators are prosecuted and, if found guilty, receive punishment commensurate with the crime, regardless of whether or not the victim is found;
- Establish an independent judicial investigative mechanism to look into past cases of human rights violations and particularly of forced disappearances of journalists and opposition members, such as, Jean Leonard Rugambage and Jean Damascene Habarugira, as well as the disappearances of Illuminée Iragena and Jean Damascène Munyeshyaka;
- Take possible action to locate missing persons and ensure that anyone who has suffered harm as a direct result of an enforced disappearance has access to all compensation as well as rehabilitation depending on trauma that has been experienced.

⁸ <https://regionweek.com/rwanda-when-opposition-members-silently-go-missing/>.

⁹ <https://africatimes.com/2017/03/03/rwanda-police-confirm-british-citizen-married-to-opposition-leader-in-custody/>.

¹⁰ Ibid.

¹¹ <https://www.refworld.org/docid/5a61ee34a.html>.

¹² <https://www.aljazeera.com/indepth/opinion/rwanda-torture-171216134322105.html>.