



Inter-Parliamentary Union

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Rwanda

RW/06 - Léonard Hitimana

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 152nd session (Geneva, 23 January to 3 February 2017)

The Committee,

Referring to the case of Mr. Léonard Hitimana, who disappeared on 7 April 2003, while he was a member of the Transitional National Assembly of Rwanda, which was dissolved on 22 August 2003, and to the decision it adopted at its 149th session (January 2016); *referring also* to the report of the Committee's on-site mission carried out in June 2011 (CL/189/11(b)-R.3),

Taking into account the letter from the Speakers of both houses of the Rwandan Parliament dated 20 January 2017 and the information provided by the complainants,

Recalling the following information on file:

- Mr. Hitimana disappeared on the evening of 7 April 2003, the day before he was to have refuted accusations in parliament that his party, the Republican Democratic Movement (MDR), was fomenting ethnic strife and division; the MDR was to be banned and dissolved on the basis of those accusations;
- The authorities have always maintained that Mr. Hitimana fled to a neighbouring country, that an Interpol yellow notice for missing persons was issued, with special emphasis on neighbouring countries where the authorities believed Mr. Hitimana might be living, and that they were optimistic that he would soon be located; Mr. Hitimana nevertheless is still missing almost 14 years after his disappearance; the authorities have stated on various occasions that Mr. Hitimana was not a key political figure and that it was therefore highly unlikely that he would have been the target of an enforced disappearance; according to them, Mr. Hitimana's disappearance had nothing to do with his imminent statement in parliament;
- The following picture has emerged from the information provided by various complainants and sources of information over the years of the alleged circumstances of Mr. Hitimana's disappearance:
 - According to eyewitness accounts, Mr. Hitimana's car was intercepted late in the afternoon of 7 April 2003 by Rwandan Directorate of Military Intelligence (DMI) agents; the agents are alleged to have taken Mr. Hitimana to Kami military camp, where, on the orders of superiors, he was tortured and killed in May 2003 by Mr. John Karangwa, who was Deputy Director of Counter-Intelligence at the time; Mr. Hitimana's remains were then removed to an unknown destination; patrol persons making their rounds at the Kaniga border post say that they saw Mr. Hitimana's car and that of the military; Mr. Hitimana's car was allegedly moved by police or intelligence officers to Byumba, where it was apparently kept for a month; Mr. Hitimana's representatives subsequently retrieved the car and were told by the police that it was in the condition in which they had found it close to the border with Uganda; according to the representatives, the car's electrical cables had been cut, the key was no longer in the ignition and there were bloodstains on the front seat;

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- The suspected perpetrator, DMI officer John Karangwa, has been accused by non-governmental sources not only of having killed Mr. Hitimana, but also of having abducted and executed, in April 2003, Mr. Augustin Cyiza, the Vice-President of Rwanda's Supreme Court, the President of Rwanda's Cassation Court and a founding member of two Rwandan human rights organizations;
- The complainants and sources believe that Mr. Hitimana was abducted by the DMI in order to silence any opposition to the dissolution of his party,

Considering the following observations made by United Nations human rights mechanisms in connection with the case of Mr. Hitimana and his alleged enforced disappearance:

- The United Nations Human Rights Committee, in paragraph 12 of its concluding observations (CCPR/C/RWA/CO/3) of 31 March 2009 regarding the implementation of the International Covenant on Civil and Political Rights in Rwanda, expressed "*concern about reported cases of enforced disappearances and summary or arbitrary executions in Rwanda and about the impunity apparently enjoyed by the police forces responsible for such violations*" and "*the lack of information from the State party regarding the disappearance of Mr. Léonard Hitimana*"; the Committee stated that "*the State party should ensure that all allegations of such violations are investigated by an independent authority and that those responsible for such acts are prosecuted and duly punished*";
- In its concluding observations (CCPR/C/RWA/CO/4) of 24 March 2016, the United Nations Human Rights Committee stated the following with regard to respect for the right to life: "*While noting the State party's statement that all cases of alleged disappearances or killings reported to the police are duly investigated, the Committee remains concerned that the disappearances of political figures referred to in the previous concluding observations (see CCPR/C/RWA/CO/3, para. 12) are still unresolved and that other political dissidents have since disappeared or been killed in Rwanda and abroad (arts. 6 and 9). The State party should systematically undertake prompt, impartial and effective investigations into reported cases of extrajudicial executions, enforced disappearances and murders, including any possible complicity in those acts by members of the police and security forces, and identify the perpetrators with a view to bringing them to justice. The State party should also take all measures necessary to prevent cases of disappearances and executions, establish the truth of the circumstances and the fate of the victims and provide full reparation to victims' families*";
- In 2011, the United Nations Human Rights Council adopted a series of recommendations for Rwanda during the first cycle of the universal periodic review (UPR); the following recommendations were supported by the authorities, which they considered to be in the process of being implemented: (i) ratify the International Convention for the Protection of All Persons from Enforced Disappearance (CED); (ii) respond effectively to the request for information by the Human Rights Committee in 2009 regarding the follow-up given to the recommendations related to enforced disappearances; and (iii) respond to all requests for information on the cases submitted by the Working Group on Enforced or Involuntary Disappearances;
- During the second UPR review in November 2015, the Rwandan authorities stated that, with regard to a list of recommendations, including the ratification of the CED, that those recommendations were either implemented or in the process of being implemented; the list of those recommendations that were or were being implemented also included the following: "*Investigate reports and allegations of arbitrary arrest, unlawful detention and enforced disappearances of opposition political figures and members of civil society and prosecute perpetrators*",

Considering that the Speakers of both houses of parliament, in their letters of 20 January 2017 and 2 January 2016, stated that the Rwandan Parliament does not subscribe to the idea that Mr. Hitimana was the subject of an enforced disappearance; the second mentioned letter continues to say that parliament is surprised that the IPU does not recognize the efforts already made in the past by the relevant national institutions, whose reports had already been transmitted to the IPU, including to the Committee delegation that went to Rwanda in 2011; in both letters the Speakers question that the IPU relies on reports and information provided by confidential sources, who in the authorities' view are unreliable and, moreover, mistakenly affirm that an effective investigation never took place; the Speakers recall in their letter of 2 January 2016 that parliament had already conducted a parliamentary investigation in 2003 and state that parliament had examined and shared, through the Ministry of Justice,

the contents of the latest IPU Governing Council's decision with the national police and the National Human Rights Commission and that, to complement these efforts, the national police had requested Interpol to issue an international search notice for Mr. Hitimana,

1. *Thanks* the Speakers of both houses of the Rwandan Parliament for their latest communication and their continued cooperation in this matter;
2. *Considers* that, close to 14 years after Mr. Hitimana disappeared and with only scant and relatively old details on file about the investigation, many questions remain unanswered, including with regard to any specific action that the Rwandan authorities may have taken to help shed light on his disappearance; *recalls* in this regard that the Minister of Justice pledged, during the Committee's 2011 mission, that he would ensure that the investigation would also examine the possibility that Mr. Hitimana had been assassinated in Rwanda;
3. *Is convinced*, therefore, particularly given that Mr. Hitimana has not been located abroad since 2003 and that there are no reasons to believe he would choose to remain silent, that an official visit by a Committee delegation to Rwanda would help promote a better understanding of the action taken by the authorities to shed full light on what happened to Mr. Hitimana and, if need be, to take additional steps to find out what happened to him;
4. *Requests*, therefore, the Secretary General to arrange such a visit, which would entail meetings with the parliamentary, executive and judicial authorities and any third party likely to be in a position to assist the Committee delegation, to take place as early as possible, and to pursue his contacts with the parliamentary authorities for this purpose;
5. *Requests* the Secretary General to convey this decision to the relevant authorities, the complainant and any third party likely to be in a position to supply relevant information;
6. *Decides* to continue examining the case.