



Inter-Parliamentary Union

For democracy. For everyone.

Rwanda

RW/06 - Léonard Hitimana

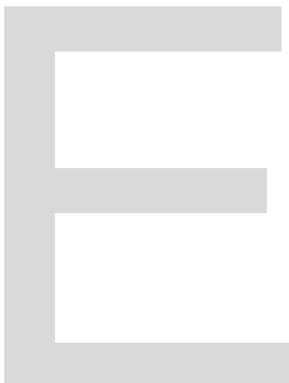
Decision adopted unanimously by the IPU Governing Council at its 196th session (Hanoi, 1st April 2015)

The Governing Council of the Inter-Parliamentary Union,

Referring to the case of Mr. Léonard Hitimana, who disappeared 12 years ago, 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 resolution it adopted at its 192nd session (March 2013); *referring also* to the report of the on-site mission carried out by the Committee on the Human Rights of Parliamentarians in June 2011 (CL/189/11(b)-R.3),

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 12 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; in past letters, the Speakers of both Houses of Parliament stated that both the police and the National Human Rights Commission had looked into the complainants' allegations and concluded that they were unfounded, and that they were unaware of any new evidence having emerged since the IPU mission carried out in June 2011;
- 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; 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;

- 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 sources believe that Mr. Hitimana was abducted by the DMI in order to silence any opposition to the dissolution of his party;
- In 2003, the United Nations Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment sent urgent appeals to the Rwandan Government regarding the arbitrary detention and alleged torture of detainees at Kami and other military camps; the United Nations Working Group on Enforced or Involuntary Disappearances has been examining the case of Mr. Hitimana's disappearance since 2 July 2003; the United Nations Human Rights Committee, in its concluding observations of 31 March 2009 (CCPR/C/RWA/CO/3), 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 about "the lack of information from the State party regarding the disappearance of [...] Mr. Léonard Hitimana",

Recalling that the Speakers of both Houses of Parliament, in their letter of 19 October 2012, stated that the investigations were ongoing, but had achieved no results to date, that the Rwandan judicial system respects the rights of witnesses and ensures their protection, and that videoconferencing is used in Rwanda when required for the purposes of an investigation,

Considering that, according to information provided by one of the complainants in March 2015, Mr. Hitimana's disappearance had still not been seriously investigated,

Considering that, in 2011, the UN Human Rights Council adopted a series of recommendations for Rwanda during the first cycle of the Universal Periodic Review. 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; (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 forced disappearances; and (iii) respond to all the cases submitted by the Working Group on Enforced or Involuntary Disappearances; *noting* however that, as at March 2015, the aforesaid convention has not been ratified and that there is no indication that steps have been taken to implement recommendations 2 and 3,

1. *Is extremely concerned* about Mr. Hitimana's continued disappearance, 12 years after he was last seen;
2. *Deplores* the continued silence in recent years of the Rwandan Parliament in response to its calls for effective parliamentary oversight to ensure that light is finally shed on his fate;
3. *Considers* this state of affairs to be all the more regrettable, as the lack of a serious investigation can only support the long-standing accusation that Mr. Hitimana was the victim of an enforced disappearance; *stresses* that Mr. Hitimana was not a junior politician, but played an important role in his party, and the fact that he was slated for intending to speak in Parliament the following day against the party's dissolution, in a pre-electoral context in which he was considered a serious contender, constitutes a serious motive for the crime;
4. *Recalls* that enforced disappearances are a serious human rights violation and that the enforced disappearance of a member of parliament, if the perpetrators are not brought to justice and punished, stands as a threat to Parliament as such, to all its members and, in the final analysis, to the people Parliament represents, as it can only encourage the repetition of such acts;

5. *Again urges* the authorities to carry out an independent, prompt and effective investigation, examining all lines of enquiry, including by questioning Mr. John Karangwa, Deputy Director of Counter-intelligence at the time of Mr. Hitimana's 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; *is convinced* that, if new lines of inquiry are effectively followed, new evidence will soon emerge and *eagerly awaits* to receive information to this effect;
6. *Calls on* Parliament to do everything possible to help ensure that these steps are indeed taken, and to expedite the implementation of the long-standing recommendation to ratify the International Convention for the Protection of All Persons from Enforced Disappearance to which the Rwandan authorities agreed; *wishes* to be kept informed of any action taken in this regard;
7. *Recalls* that witness fear of reprisals and lack of effective protection were major obstacles encountered by the mission and affect the pursuit of justice; *remains anxious*, therefore, to know whether the planned witness protection law has been adopted and what practical steps have been taken as a result, and whether other initiatives have been taken to reassure potential witnesses in Rwanda that their safety will be fully guaranteed if they come forward; *reaffirms* its belief that the investigation would benefit from hearing any witnesses living abroad in their countries of residence, in particular by means of videoconferencing; *repeats* that it wishes to know whether the authorities have explored this possibility;
8. *Requests* the Secretary General to convey this decision to the relevant authorities, the complainants, and any third party likely to be in a position to supply relevant information;
9. *Requests* the Committee to continue examining this case and to report back to it in due course.