



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 149<sup>th</sup> session (Geneva, 15-25 January 2016)***

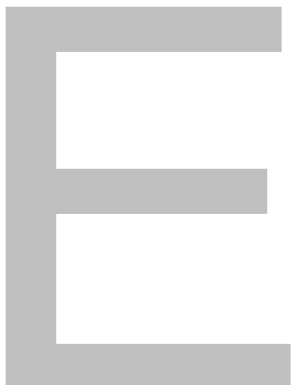
The Committee,

*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 adopted by the Governing Council at its 196<sup>th</sup> session (March 2015); *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 2 January 2016 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 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;
- 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 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, in 2011, the United Nations 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 requests for information on the cases submitted by the Working Group on Enforced or Involuntary Disappearances,

*Recalling* that the Speakers of both Houses of Parliament, in their letter of 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 letter continues to say that parliament is surprised that the IPU Governing Council 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 which went to Rwanda in 2011, but rather 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 that parliament had already conducted a parliamentary investigation in 2003 and state that in the past few weeks 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 communication;
2. *Appreciates* that the Rwandan Parliament has recently enquired about the current state of the investigation; *considers* in this regard that continued parliamentary oversight is critical in helping ensure that light is finally shed on Mr. Hitimana's fate;
3. *Deeply regrets* nevertheless that, 12 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 elucidate 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;
4. *Is eager* therefore to receive concrete information on action taken to:
  - question Mr. John Karangwa, Deputy Director of Counter-intelligence at the time of Mr. Hitimana's disappearance, as well as other steps to explore the possibility of an enforced disappearance;

- adopt, and - if adopted - implement, the witness protection law along with other measures to reassure potential witnesses in Rwanda that their safety will be fully guaranteed if they come forward;
  - ratify, and – if ratified – implement, the International Convention for the Protection of All Persons from Enforced Disappearance;
5. *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;
  6. *Decides* to continue examining the case.