



HUMAN
RIGHTS
WATCH

“All Thieves Must Be Killed”

Extrajudicial Executions in Western Rwanda



“All Thieves Must Be Killed”
Extrajudicial Executions in Western Rwanda

Copyright © 2017 Human Rights Watch

All rights reserved.

Printed in the United States of America

ISBN: 978-1-6231-34990

Cover design by Rafael Jimenez

Human Rights Watch defends the rights of people worldwide. We scrupulously investigate abuses, expose the facts widely, and pressure those with power to respect rights and secure justice. Human Rights Watch is an independent, international organization that works as part of a vibrant movement to uphold human dignity and advance the cause of human rights for all.

Human Rights Watch is an international organization with staff in more than 40 countries, and offices in Amsterdam, Beirut, Berlin, Brussels, Chicago, Geneva, Goma, Johannesburg, London, Los Angeles, Moscow, Nairobi, New York, Paris, San Francisco, Sydney, Tokyo, Toronto, Tunis, Washington DC, and Zurich.

For more information, please visit our website: <http://www.hrw.org>



JULY 2017

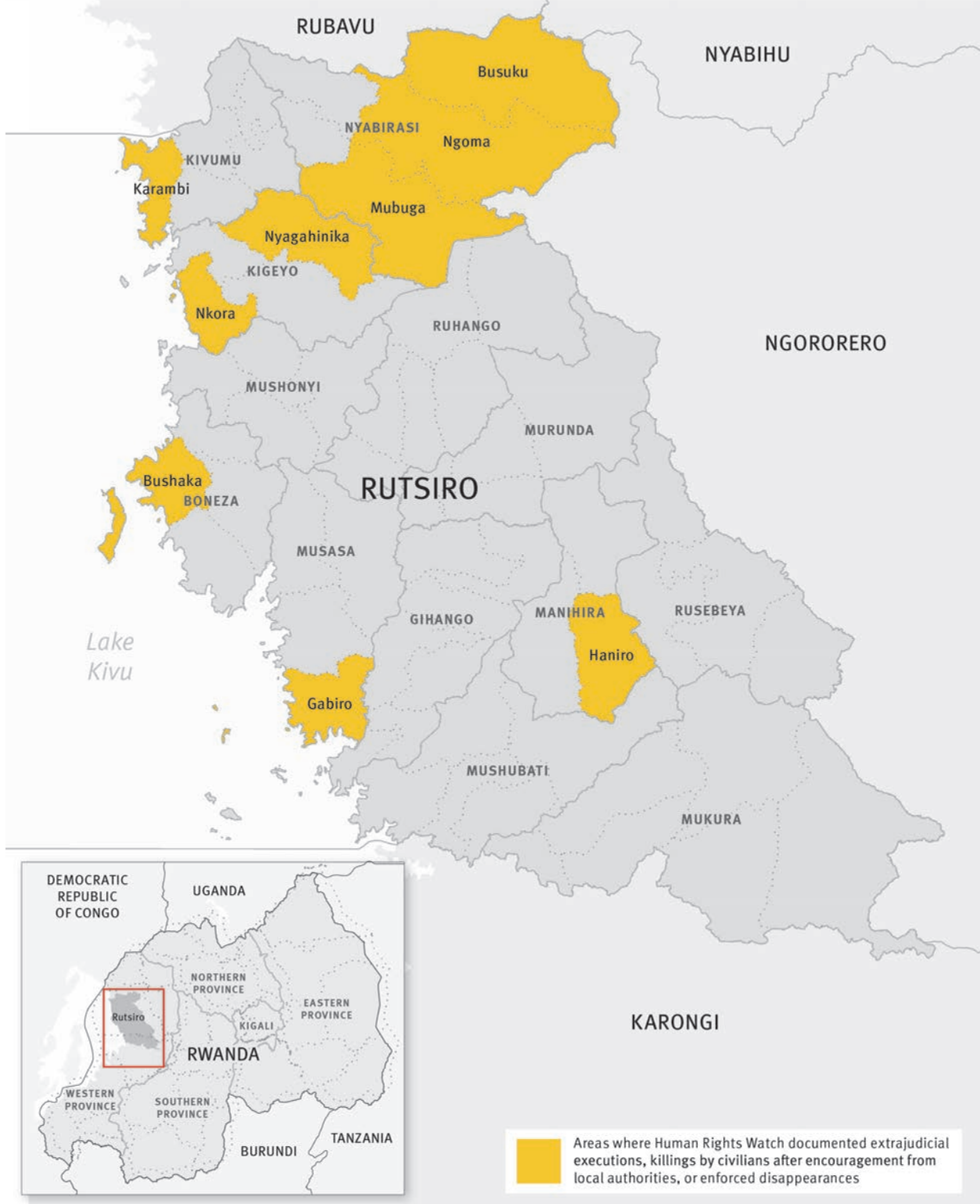
ISBN: 978-1-6231-34990

“All Thieves Must Be Killed”

Extrajudicial Executions in Western Rwanda

Map of Rubavu	I
Map of Rutsiro.....	II
Summary	1
Recommendations.....	5
To the Government of Rwanda	5
To Rwanda’s International Donors and Other Governments	6
To the United Nations Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions....	6
To the African Commission on Human and Peoples’ Rights.....	6
To the United Nations Department of Peacekeeping Operations	7
Methodology.....	8
I. Background.....	9
II. Extrajudicial Executions	11
Government Strategy	11
Extrajudicial Executions.....	17
Threats to Family Members	31
III. Government Response to Extrajudicial Executions	33
IV. National and International Legal Standards	36
The Rwandan Constitution	36
International Conventions and Standards	37
Acknowledgments.....	40
Appendix I: Victims of Extrajudicial Executions	41
Appendix II: People Killed by Civilians after Encouragement from Local Authorities	47
Appendix III: Enforced Disappearances	48
Appendix IV: Letter to Minister of Justice	49

Rutsiro District, Western Province, Rwanda



Summary

The mayor said, “All thieves must be killed.” He said it was an order.

–Witness to the execution of Fulgence Rukundo on December 6, 2016

Rwandan security forces summarily executed at least 37 suspected petty offenders in Rwanda’s Western Province between July 2016 and March 2017. Soldiers arbitrarily arrested and shot most of the victims, in what appears to be an officially sanctioned strategy to execute suspected thieves, smugglers, and other petty offenders, instead of prosecuting them. These killings, carried out by and with the backing of state agents, are a blatant violation of both Rwandan law and international human rights law.

Human Rights Watch also documented four enforced disappearances of suspected petty offenders between April and December 2016. The victims’ families believe the security forces killed their loved ones, but their bodies have not been found. In two other incidents documented by Human Rights Watch, in August 2016 and April 2017, authorities encouraged local residents to kill suspected thieves, and they did in fact beat the victims to death.

This report documents serious violations committed by the security forces in Rubavu and Rutsiro districts in Rwanda’s Western Province, including extrajudicial executions, enforced disappearances, and threats against family members and other witnesses to the violations. The report is based on 119 interviews conducted between January and July 2017 with 119 family members, witnesses, government officials, and others knowledgeable about the arrests and executions. Human Rights Watch has received credible reports of at least six other extrajudicial executions that it is continuing to verify, including some cases allegedly committed as recently as June 2017, and some cases in Rusizi district (Western Province) and Musanze district (Northern Province).

Most victims were accused of stealing items such as bananas, a cow, or a motorcycle. Others were suspected of smuggling marijuana, illegally crossing the border from the Democratic Republic of Congo into Rwanda, or of using illegal fishing nets. No effort was made to establish their guilt or bring them to justice. Instead of investigating the killings

and enforced disappearances and providing information or assistance to the families, local authorities, including law enforcement officials, threatened some who dared to ask questions.

Some victims were first arrested by civilian authorities who then took them to nearby military stations. Soldiers then executed the victims at or near the military base, sometimes after ill-treating them in detention. Witnesses who saw the bodies soon after the executions said they saw bullet wounds and injuries that seemed to have been caused by beatings or stabbings. One victim had been stabbed in the heart; another had a cord around his neck.

A man suspected of stealing a cow was arrested by local military and civilian officials and detained for a night in the local government office, where soldiers arrived and beat him and stabbed him in the leg with a knife. The next day, soldiers shot him dead. Soldiers forced another man to carry the remains of the cow he was accused of stealing on his back for more than five kilometers, with the cow's head on his head. After presenting the victim to local residents, local officials, and the military during a public community meeting, soldiers then walked him to a nearby field and shot him dead. Another man was beaten to death for not turning up for community work he was required to perform.

Members of the military or the police killed at least 11 men on Lake Kivu in Rubavu and Rutsiro districts for using illegal nets known as *kangingini* while night fishing. There were survivors who described how they had jumped out of their fishing canoes and swam away from the approaching military or police boats. Those left behind in the canoes were shot dead by the officers.

In some cases, other security forces such as the *Inkeragutabara*, an auxiliary force of the Rwandan army, and the District Administration Security Support Organ (DASSO), a local defense force that supports the police, were involved in the executions.

These killings were not isolated events, but appear to be part of an official strategy. In most of the cases documented by Human Rights Watch, local military and civilian authorities told residents after the execution, often during public meetings, that they were following “new orders” or a “new law” stating that all thieves and other criminals in the region would be arrested and executed. In several cases authorities cited the identity of a



A sign welcoming visitors to Boneza, a sector in Rwanda's Rutsiro district. Rwandan security forces killed at least 9 fishermen in Boneza, for using illegal fishing nets between September 2016 and March 2017. The bottom line of the welcome sign says in Kinyarwanda: "Do good things and do them quickly." © 2017 Human Rights Watch

recent victim and justified his or her killing based on the fact that he or she was a suspected criminal.

These killings, some of which occurred in front of multiple witnesses, are rarely discussed in Rwanda. Given the strict restrictions on independent media and civil society in Rwanda, no local media outlets have reported about the killings documented in this report, and local human rights groups are too afraid to publish any information on such issues.

In December 2016, a coalition of opposition political parties published a press release on several cases of extrajudicial killings in northwestern Rwanda, including some of the cases documented by Human Rights Watch. Soon after publication, the police in Kigali

summoned opposition leader Boniface Twagirimana for interrogation on January 12, 18, and 19, 2017, and accused him of spreading unfounded rumors. He was not charged with any offense.

On July 5, 2017, Human Rights Watch wrote to Johnston Busingye, minister of justice, with copies delivered to the ministers of defense, local government and the head of the police, asking for further information on cases outlined in this report and requesting a meeting. The letter is reproduced in Appendix IV of this report and was not answered.

On July 5 and 6, 2017, Human Rights Watch met with five local authorities, including the mayor of Rubavu district and authorities in Nyamyumba sector, Nyundo sector, and Rukoko cell in Rubavu district and the executive secretary in Boneza sector, Rutsiro district. These authorities denied that killings of thieves or criminals had taken place, but one did say that people who illegally crossed the border had been killed for failing to stop when ordered to do so by soldiers, and that this was for security reasons.

The Rwandan government should ensure an immediate end to the summary executions of suspected criminals by security forces. They should also ensure that thorough, impartial investigations into these serious violations are conducted, including to establish how and with whom any policy originated; and that those responsible for the violations be held accountable. Victims' families should be compensated for the unlawful killings.

The Rwandan government should also respect the presumption of innocence, ensure anyone accused of a crime receives a fair trial, and enforce without exception an absolute prohibition on criminal punishment for anyone not convicted in a court of law.

Recommendations

To the Government of Rwanda

- Investigate and prosecute as appropriate, in fair and credible trials, individuals from the Rwanda Defence Force, the Rwanda National Police, and other law enforcement agencies, such as the DASSO and the *Inkeragutabara*, responsible for extrajudicial executions, including officers who may bear command responsibility, and any civilian authorities who are implicated in the killings and may bear responsibility;
- Ensure that all criminal suspects are lawfully detained in recognized places of detention, have prompt access to a lawyer, and are brought promptly after their arrest before an independent judge. If there is credible evidence against the accused, they should be promptly charged with an offense and prosecuted in fair, credible trials or else released;
- Pending disciplinary action or criminal prosecution, suspend with pay officers suspected to be implicated in extrajudicial executions, including those from the Rwanda Defence Force, the Rwanda National Police, and other law enforcement agencies, such as the DASSO and the *Inkeragutabara*. Those found to be implicated in extrajudicial executions should be removed from their posts in addition to any other criminal sanctions imposed by an independent tribunal;
- Publicly reiterate to officers of the Rwanda Defence Force, the Rwanda National Police, and other law enforcement agencies, such as the DASSO and the *Inkeragutabara*, that they have an obligation to protect the lives of all persons in Rwanda. Ensure that officers have been trained in and adhere to international human rights law, in particular the rights to life, bodily integrity, liberty, security, and fair trial. The Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, that provide authoritative guidance on international legal standards in this regard, prohibit law enforcement officials from using intentional lethal force except when strictly unavoidable in order to protect life;
- Ensure that all security agents, members of the judiciary, and administrative officials fully respect the right of all Rwandans to the presumption of innocence;
- Ensure that the domestic legal system provides for the conduct of prompt, thorough and effective investigations in line with the standards in the Revised

United Nations Manual on the Effective Prevention and Investigation of Extralegal, Arbitrary and Summary Executions (the Minnesota Protocol).

To Rwanda's International Donors and Other Governments

- Publicly and privately urge the Rwandan government to take concrete steps to investigate, arrest, and prosecute those responsible for extrajudicial killings described in this report, including those bearing command responsibility. Monitor the progress of these steps regularly;
- Publicly and privately denounce extrajudicial killings committed by any member of the military or law enforcement;
- Ensure support to Rwanda's security forces—including training, logistics, and other material support—does not go to units or commanders who are implicated in extrajudicial executions and ensure that human rights training and support to investigations and prosecutions of security agent abuses are central components of reform efforts.

To the United Nations Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions

- Request a formal visit to Rwanda to investigate cases outlined in this report and others.

To the African Commission on Human and Peoples' Rights

- In accordance with the African Charter on Human and Peoples' Rights, conduct an immediate investigation into the cases outlined in this report and others;
- Urge the government of Rwanda to attend the forthcoming 61st ordinary session of the African Commission to ensure consideration of its combined 11th, 12th and 13th periodic report as well as consideration of the cases outlined in this report.

To the United Nations Department of Peacekeeping Operations

- Carefully vet officers and personnel from the Rwanda Defence Force and the Rwanda National Police currently serving in United Nations peacekeeping missions to ensure none are implicated in extrajudicial executions in Rwanda;
- Repatriate from United Nations peacekeeping missions any Rwandan soldier, police, or other personnel found to be implicated in extrajudicial executions in Rwanda.

Methodology

This report is based on research conducted in Rwanda between January and July 2017. Human Rights Watch interviewed 119 witnesses to the killings, family members and friends of victims, government officials, and others knowledgeable about the arrests and executions. The names of victims are provided throughout this report. However, for security reasons, the names of witnesses and relatives interviewed by Human Rights Watch are not included in the report, and other identifying information has also been withheld.

Some initial interviews were conducted over the phone. These interviews were followed up in person between March and June. Most interviews were conducted in Musanze, Rubavu and Rutsiro districts, in Kinyarwanda with an interpreter. All interviews were conducted individually and privately. Human Rights Watch explained to each interviewee the purpose of the interview, its voluntary nature, the way in which the interview would be used, and the fact that no compensation would be provided.

Human Rights Watch wrote the minister of justice, with copies delivered to the minister of defense, the minister of local government, and the national police commander, with an overview of Human Rights Watch's research findings and the details of specific cases documented in this report (see Appendices I, II, III, and IV). Human Rights Watch received no response to its request for a meeting to discuss these research findings or to specific questions about the government's response to the violations documented here. In July, Human Rights Watch met with five local authorities in Rubavu and Rutsiro districts. Their response is reflected in section III.

This report focuses specifically on extrajudicial executions and other violations in Rubavu and Rutsiro districts, in Western Province, between April 2016 and April 2017. Human Rights Watch has received credible reports of additional cases that allegedly occurred closer to the publication of this report, as well as cases in other areas of Rwanda, including Musanze district, in Northern Province, and Rusizi district, in Western Province. Human Rights Watch is working to confirm these cases, and they are not covered in this report.

I. Background

Since the genocide that devastated the country and claimed more than half a million lives in 1994, Rwanda has made great strides in rebuilding its infrastructure, developing its economy, and delivering public services. But civil and political rights remain severely curtailed, and freedom of expression is tightly restricted.

The death penalty was outlawed in Rwanda in 2007. Before that, it was used sparingly by the state. The death penalty was carried out in connection with genocide trials in 1998 when 22 people were publicly executed, many after summary trials and some without legal assistance.¹

Extrajudicial killings, that is the killing of a person by governmental authorities without the sanction of any judicial proceeding or legal process, also occurred. For example, in November 2006, police shot and killed three men suspected of killing a *gacaca* judge² the evening of their arrest.³ In 2007, Human Rights Watch published a report on police killings of at least 20 detainees, many of which appeared to have been extrajudicial executions.⁴ In its annual report on Human Rights Practices in Rwanda, the US State Department expressed concern about the killings of five members of the Muslim community in 2016.⁵

Attacks on political dissenters have also occurred, both inside and outside of the country. Since 1996 some Rwandans have been killed outside of the country after they criticized the Rwandan government, the ruling party, the Rwandan Patriotic Front, or President Paul

¹ See Human Rights Watch report, *Rwanda: Justice After Genocide – 20 Years On*, March 2014, <https://www.hrw.org/news/2014/03/28/rwanda-justice-after-genocide-20-years>.

² *Gacaca*, which took its name from a community-based dispute resolution mechanism, was a novel system for trying the enormous number of genocide cases in Rwanda. Its objectives included not only delivering justice, but also strengthening reconciliation, and revealing the truth about the genocide. See Human Rights Watch report, *Justice Compromised*, May 31, 2011, <https://www.hrw.org/report/2011/05/31/justice-compromised/legacy-rwandas-community-based-gacaca-courts>.

³ See Human Rights Watch report, *Killings in Eastern Rwanda*, January 2007, <https://www.hrw.org/report/2007/01/22/killings-eastern-rwanda>.

⁴ See Human Rights Watch report, *There Will Be No Trial*, July 2007, <https://www.hrw.org/report/2007/07/24/there-will-be-no-trial/police-killings-detainees-and-imposition-collective>.

⁵ See US State Department, Bureau of Democracy, Human Rights and Labor, “Rwanda 2016 Human Rights Report”, 2017, <https://www.state.gov/documents/organization/265502.pdf> (accessed July 9, 2017).

Kagame.⁶ Others were murdered, attacked, threatened, or died in unclear circumstances inside the country.⁷

Civilians have also been held unlawfully in unofficial detention centers, including in military custody. In 2014, Human Rights Watch documented how at least 23 people were detained incommunicado for several weeks at Camp Kami, a military camp on the outskirts of Kigali.⁸ The detainees were later tried by a civilian court for security-related offenses and alleged collaboration with armed groups. A court in Rubavu acquitted some of them and ordered their release. Some former detainees told Human Rights Watch they were tortured while held at Kami.⁹

Human Rights Watch has also documented a broader pattern of human rights violations against poor people, including petty criminals. Over the years, many such people have been unlawfully detained in so-called “transit centers,” where they faced beatings and other forms of ill-treatment.¹⁰ Human Rights Watch documented the death of one individual just after leaving one such transit center, in Gikondo, Kigali, and received information about similar cases in Mudende transit center, in Rubavu district. Most officials involved in such violations, mainly police, have enjoyed absolute impunity.¹¹

⁶ See Human Rights Watch, *Rwanda: Repression Across Borders*, January 28, 2014, <https://www.hrw.org/news/2014/01/28/rwanda-repression-across-borders>.

⁷ One of the darkest moments in recent years was the period preceding the 2010 presidential elections, when an independent journalist and the vice-president of an opposition party were murdered, and several other opponents and critics arrested and threatened. For a chronology of these events, see Human Rights Watch news release, *Rwanda: Silencing Dissent Ahead of Elections*, August 2, 2010, <https://www.hrw.org/news/2010/08/02/rwanda-silencing-dissent-ahead-elections>.

⁸ See Human Rights Watch news release, *Rwanda: Spate of Enforced Disappearances*, May 16, 2014, <https://www.hrw.org/news/2014/05/16/rwanda-spate-enforced-disappearances>.

⁹ Human Rights Watch interviews with former detainees at Kami, in Musanze, and in Rubavu, October 2014.

¹⁰ See Human Rights Watch news release, *Rwanda: Locking Up the Poor*, July 21, 2016, <https://www.hrw.org/news/2016/07/21/rwanda-locking-poor>.

¹¹ See Human Rights Watch report, *Why Not Call This Place a Prison?*, September 24, 2015, <https://www.hrw.org/report/2015/09/24/why-not-call-place-prison/unlawful-detention-and-ill-treatment-rwandas-gikondo>.

II. Extrajudicial Executions

The conduct of members of the Rwandan military, police and other state security actors in northwestern Rwanda has been as ruthless as it has been illegal. Human Rights Watch has documented 37 extrajudicial executions of suspected petty offenders in Rutsiro and Rubavu districts between July 2016 and March 2017, two of whom were women.¹² Human Rights Watch has also documented four enforced disappearances, between April and December 2016, and two cases of individuals who were beaten to death by local residents acting on the encouragement of local authorities, in August 2016 and April 2017. The victims included suspected thieves, smugglers, and people caught or accused of using illegal fishing nets. Some of the family members and friends of victims admitted that the victims had been involved in petty crimes, while others said they were innocent and had been wrongly accused. The killings and enforced disappearances appear to have been part of a broader strategy to spread fear, enforce order, and deter any resistance to government orders or policies.

Government Strategy

Over 40 people interviewed by Human Rights Watch said they had participated in community meetings in Rubavu and Rutsiro districts where military officers or local government officials declared that thieves would be arrested and killed. Local authorities in Rwanda, including law enforcement officials, hold regular community meetings at the village, cell, and sector level. These meetings in general are not mandatory, but several residents told Human Rights Watch they felt pressured to attend. The meetings are not on a fixed schedule, but there is at least one per month after *umuganda*, mandatory community work held the last Saturday of every month. Participation at the meeting after *umuganda* is obligatory. Some of these local meetings were called after residents had complained about the high crime rate in their villages.

Several people told Human Rights Watch that they thought a “law” had been adopted stipulating that all thieves and other criminals would be killed, referring to

¹² Rwanda is divided into provinces, districts, sectors and cells. The district is the basic political-administrative unit of the country. See Republic of Rwanda, Ministry of Local Government, <http://www.minaloc.gov.rw/index.php?id=450> (accessed July 9, 2017).

multiple statements made by military and local government officials about the killings of petty criminals.

These warnings at local meetings that authorities would no longer tolerate illegal activity—such as theft, fishing with illegal nets, or smuggling goods across the border—began in early 2016. The cases documented by Human Rights Watch of extrajudicial executions and enforced disappearances of suspected petty offenders by the Rwanda Defence Forces, the Rwanda National Police, DASSO¹³, and the *Inkeragutabara*¹⁴ began in April 2016.

One resident from the Kavolo cell¹⁵ in Rubavu district told Human Rights Watch that local authorities delivered warnings in routine meetings: “In 2016, the authorities started saying things in meetings like, ‘We will kill people we catch stealing.’ It was usually the military officers who said this at cell and sector meetings.”¹⁶

On April 26, 2017, Major General Alexis Kagame, the military commander of the third division, which covers the Western Province, participated in a public meeting in Gisenyi in which he said that people who illegally crossed the border between Rwanda and Congo fell into three categories: those who smuggle goods into the country and want to avoid tax, thus robbing the country of its development; those who smuggle drugs into the country and want to kill the youth; and those who have links to the FDLR (the Democratic Forces for the Liberation of Rwanda, a largely Rwandan Hutu armed group, based in eastern Congo) and wish to destabilize the country.¹⁷ Kagame said that people in these groups were “enemies of the country” and he called on citizens to protect the country from these enemies. Kagame promised close collaboration between the population and the army to

¹³ In May 2013, the government established the District Administration Security Support Organ (DASSO) to replace the Local Defense Force, a citizens’ self-protection force created by Rwandan authorities after the genocide. See “Law N°26/2013 of 10/05/2013 Establishing the District Administration Security Support Organ (DASSO) and Determining its Responsibilities, Organization and Functioning,” on file with Human Rights Watch.

¹⁴ The *Inkeragutabara* are a part-time military service of the Rwanda Defence Forces who often patrol at night. See “Presidential Order N° 33/01 of 03/09/2012 Determining the Organisation and Responsibilities of each of the Military Services of Rwanda Defence Forces,” on file with Human Rights Watch.

¹⁵ There are over 2,000 cells in Rwanda, the administrative division between sector and village.

¹⁶ Human Rights Watch interview with resident of Rubavu district, May 18, 2017.

¹⁷ Samba Cyuzuzo, “Maj Gen Kagame avuga ko abo ku Gisenyi baca ku mipaka itazwi ari abanzi,” Umuseke, April 26, 2017, <https://umuseke.rw/maj-gen-kagame-avuga-ko-abo-ku-gisenyi-baca-ku-mipaka-itazwi-ari-abanzi.html> (translation on file with Human Rights Watch).

safeguard security.¹⁸ The mayor of Rubavu district, Jeremie Sinamenye, also participated in the meeting.

A participant at another public meeting on November 1, 2016, in Karongi district, organized by the Rwanda Governance Board and attended by many local leaders from the Western Province, told Human Rights Watch that Kagame said that all thieves would be killed.¹⁹

A resident of the Rukoko cell in Rubavu district, near the border with Congo, described how soldiers stood up “without fear” during village meetings, telling local residents: “We will kill anyone who crosses the border illegally.” The civilian authorities “just agree,” he added; “they can’t contradict the military.”²⁰



Jean de Dieu Habiyaremye was arrested in late November 2016 and executed two days later.
© 2016 Private

Some witnesses spoke of lists that local officials established to identify those who should be killed. Two residents of Munanira cell, Rubavu district, told Human Rights Watch that military and civilian authorities organized a meeting in their village four days before the execution of Innocent Nshimiyimana, who was killed in neighboring Kiraga cell. The officer in charge of the local military post at that time said during the meeting, “Every thief has to be shot,” according to one of the witnesses.²¹ The officer also said that the security services had established a list of all thieves to be eliminated, according to the other witness.²² A resident of Nyabirasi sector, Rutsiro district, who saw the bodies of Jean de Dieu Habiyaremye and Pierre Hakizimana—two suspected thieves killed by security forces in November 2016—said he saw soldiers with a list that they showed to village leaders to tell them which individuals should be targeted.²³

¹⁸ Ibid.

¹⁹ Human Rights Watch interview, January 18, 2017. For tweet by Rwanda’s Western Province officials on the meetings see: <https://twitter.com/RwandaWest/status/793466050637627393> (accessed July 9, 2017). Translation from Kinyarwanda to English: “These objectives are based on the theme: citizen-based governance, a pillar of sustainable development.”

²⁰ Human Rights Watch interview with resident of Rubavu district, May 18, 2017.

²¹ Human Rights Watch interview with witness, February 1, 2017.

²² Human Rights Watch interview with witness, February 1, 2017.

²³ Human Rights Watch interview with witness, February 27, 2017.

A resident of Kanama sector in Rubavu district told Human Rights Watch: “During meetings in our region, the authorities said that the thieves will be killed. I was then afraid that I could be beaten because I’m a family member of [one of the victims].” The resident added that, in February 2017, a meeting was organized in his village by military and local government officials. The officials ordered all thieves to come forward and ask for clemency, and then said: “If you steal again, we will kill you.” Several people who were apparently innocent stood up and asked for pardon, in fear of being killed if they did not do so, the witness said.²⁴

Along the shores of Lake Kivu, similar warnings have been made about the use of illegal fishing nets (known in Kinyarwanda as *kaningini*). One resident of Bushaka cell in Rutsiro district told Human Rights Watch, “In local meetings, the authorities tell us to turn in local thieves. But they also talk about the [fishing] nets. They say the *kaningini* are not allowed. They say those caught with this net will be dealt with by the authorities.”²⁵ Another resident from Bushaka cell said that the authorities’ warnings about the nets have become more serious since 2016. “Before they told us not to use them and that we would be fined if we did,” he said. “But now, the authorities tell us during the meetings: ‘Whoever is caught with a *kaningini* net will have problems with us.’”²⁶ Another witness to a meeting in Bushaka cell told Human Rights Watch, “The soldiers told us at one meeting in 2016, ‘You have been thieves for a long time now. We forbid you from going into the lake with these nets. You want to steal all of our fish for yourselves? If you refuse to listen to us we will kill you.’”²⁷ The *kaningini* net has smaller holes than a legal net and can catch more fish. However, it can also catch young fish and therefore contributes to diminishing the fish stock, which is why it is considered illegal.

In some cases, local military or civilian officials accused the victims of collaborating with or sharing intelligence with the FDLR. A participant in a community meeting in Mutovu cell in Rubavu district told Human Rights Watch that a local government official had said that everyone who goes to Congo without passing through the regular border crossing would be killed, and that there is a high probability they would have gone to Congo to collaborate

²⁴ Human Rights Watch interview with resident of Rubavu district, February 21, 2017.

²⁵ Human Rights Watch interview with resident of Rutsiro district, June 14, 2017.

²⁶ Human Rights Watch interview with resident of Rutsiro district, June 13, 2017.

²⁷ Human Rights Watch interview with resident of Rutsiro district, June 13, 2017.

with the FDLR.²⁸ Other witnesses told Human Rights Watch about community meetings where residents were accused of sending their children to Congo to join the rebels.²⁹

Extrajudicial executions were also used after the fact to serve as a warning to community members. In most of the cases documented by Human Rights Watch, local military and civilian authorities told residents after the execution, often during public meetings, that the suspected petty offender had been killed and that all other thieves and other criminals in the region would be arrested and executed.

On the same day as Emmanuel Nzitakuze's funeral in Tangabo cell in Rutsiro district, local security and civilian authorities held a community meeting. Soldiers had killed Nzitakuze after accusing him of stealing a motorcycle on January 11, 2017. The meeting was held near the place where Nzitakuze was killed in neighboring Haniro cell, and a police officer leading the meeting described the killing as an example of what could happen when people steal, according to a witness. Residents present at the meeting told Human Rights Watch that they were not aware that Nzitakuze was a thief, as it was the first time they heard he had stolen anything. But, one witness said, "the military authority is very strong. You cannot criticize anything in front of the military."³⁰

A resident of Busuku cell in Rutsiro district told Human Rights Watch that authorities often cite the execution of François Buhagarike, who was killed between October 19 and 20, 2016. "The authorities talk about his case in meetings. They say, 'Someone who supports thieves will also have problems with us. Those caught stealing will be killed, like François. To anyone who knew François, if you steal, you will also be killed.' All this was said by the military so it must be taken seriously. At the meetings, they intimidate us. They say, 'We have guns and bullets, not stones.'"³¹

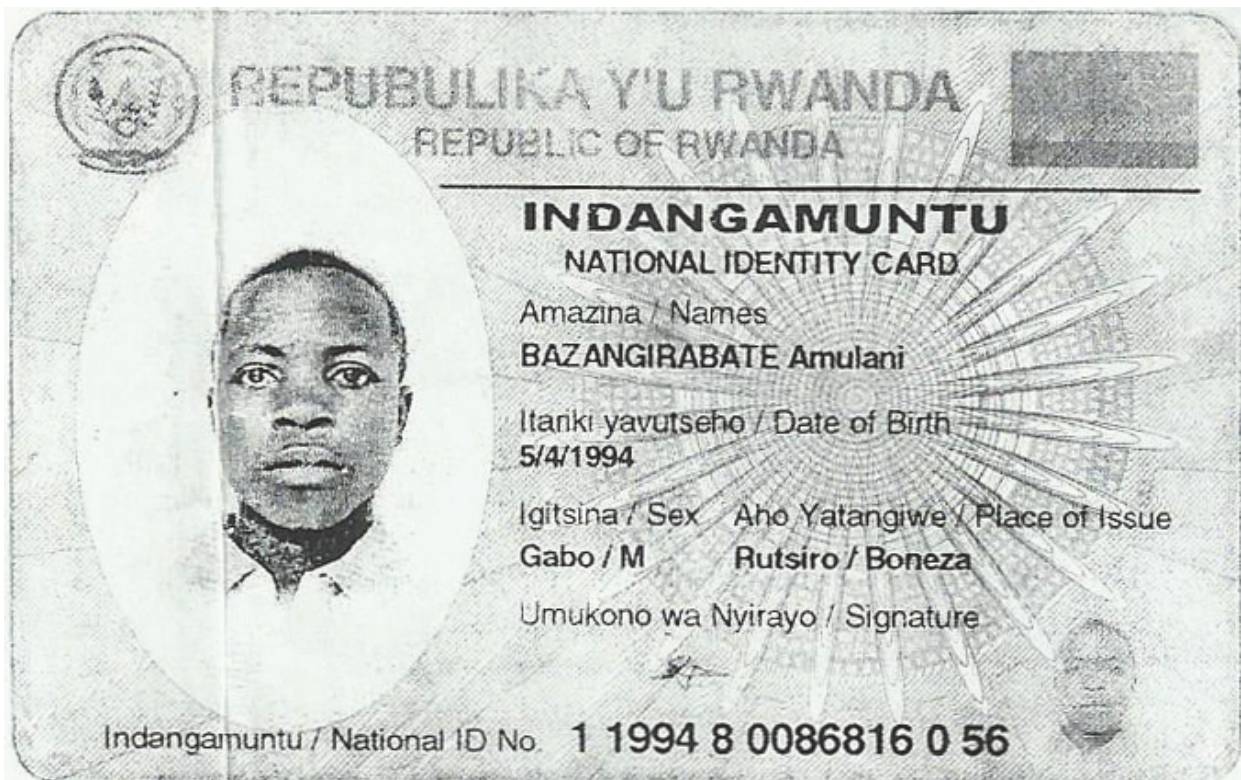
Approximately one week after the killing of Amulani Bazangirabate, who had been accused of using illegal fishing nets, the head of the Bushaka cell held a meeting with local residents at his office. According to a participant at the meeting, he told those gathered that "people should not go out in the water at night alone," and that "all fishermen need to

²⁸ Human Rights Watch interviews with resident of Ruvabu district, March 18, 2017.

²⁹ Human Rights Watch interviews with witnesses, February 1, 2017.

³⁰ Human Rights Watch interview with resident of Rutsiro district, February 8, 2017.

³¹ Human Rights Watch interview with resident of Rutsiro district, June 14, 2017.



Amulani Bazangirabate was executed in late December 2016. © 2016 Private

be in associations in order to use correct nets. For example, Amulani and these other students were fishing illegally. They were killed because they used an illegal net.”³²

In most of the cases documented by Human Rights Watch, the victims were immediately buried by their families, without any medical examination. Several family members told Human Rights Watch that government officials forced them to do so. In some cases, police or family members brought bodies to a nearby hospital. An autopsy was conducted in a few cases, but family members received no information about the results and questioned the independence of the medical staff.

In many cases documented by Human Rights Watch, local civilian authorities were also involved in the extrajudicial executions, by alerting the military about suspected thieves, accompanying the police or military during the arrests of the victims, or by publicly expressing support for the killings. In one case, however, a village leader publicly opposed

³² Human Rights Watch interview with resident of Rutsiro district, June 13, 2017. Bazangirabate had been fishing with two other people the evening he was killed. One of them is missing and presumed dead, but his body was never found.

beatings by the military. The military responded that he should not have called them to intervene if he did not want the thief executed. They then shot and killed the victim, in front of the village leader. In the same case, the executive secretary of the sector also questioned the killings by the military. He lost his job a few days later. It is unclear whether this was related to his opposition to the extralegal execution; many local officials in the Western Province lost their job during the period covered by this report.

Extrajudicial Executions

Following is a selection of accounts from witnesses and people close to the victims killed by state security forces in Rubavu and Rutsiro districts. For a list of all the cases documented by Human Rights Watch, including the names of victims, the date and location of the extralegal execution, the security force responsible, and the offense the victim was accused of, see Appendix I. Details on the cases of enforced disappearances and individuals who were killed by local residents acting on encouragement from local authorities are included separately in Appendices II and III.

Jean Damascène Ntiriburakaryo, killed July 30, 2016

Ntiriburakaryo, approximately 44-years-old, was beaten to death by soldiers in Bubaji village, in Rubavu district, after missing *umuganda*, or mandatory community work. Ntiriburakaryo had stayed home to slaughter a goat. A resident of Bubaji told Human Rights Watch that when he and others heard that Ntiriburakaryo had been killed, they went to his home. As they arrived, they encountered the soldiers who had killed Ntiriburakaryo. “One of the officers showed regret for having killed Jean,” he said. “But he said they had no choice but to beat him seriously because he was against the state’s programs. He said: ‘This will give you a good example to never rebel against the state.’”³³

³³ Human Rights Watch interview with resident of Rubavu district, May 23, 2017.

Jean Kanyesoko, killed August 2, 2016

Soldiers killed Kanyesoko, 64 and a father of five, after he was caught stealing sugar cane near Kinihera village in Rubavu district. A family member of Kanyesoko said, “Because of poverty he would steal things. He would sometime steal people’s crops.”³⁴

A guard at the sugar cane field captured Kanyesoko and called soldiers stationed nearby, who shot him dead. The soldiers later called Kanyesoko’s neighbors to come and take away his body. One friend described what they saw when they arrived:

A soldier was standing next to his body. He said they caught him red-handed. He said, “The order to kill thieves has been given; take his body away and bury him.” Military officers continue to talk about him in cell and sector meetings. They say, “Those caught stealing will be killed like Jean.” I can’t go to meetings now because of this talk of killing criminals. They should just have put this old man in prison.³⁵



Jean Kanyesoko was executed on August 2, 2016. © 2016 Private

Innocent Mbarushimana, killed October 11, 2016

Mbarushimana, 20, was accused of stealing several bananas in Kabeza village in Rubavu district. A resident told Human Rights Watch what happened: “I heard people yelling that Innocent was arrested by the military and the *Inkeragutabara*. They were marching him through the village and saying that he had stolen bananas. A lot of people from the village were there watching, so I tried to go see what was going on. I heard that a decision was made to send Innocent to the sector office so they could investigate. But then I heard shots. Kids then came running and they said that Innocent had been killed.”³⁶

Another resident of Kabeza told Human Rights Watch that he tried to follow Mbarushimana to the sector office, but he was chased away by the soldiers. He said he

³⁴ Human Rights Watch interview with resident of Rubavu district, May 18, 2017.

³⁵ Human Rights Watch interview with resident of Rubavu district, May 18, 2017.

³⁶ Human Rights Watch interview with resident of Rubavu district, May 24, 2017.

was nearby when he heard the shots and that kids came running and said they saw an *Inkeragutabara* shoot him.³⁷

A third resident of Kabeza also tried to follow Mbarushimana when he was taken to the sector office, but he too was pushed away. He told Human Rights Watch that a child he knows came running after the shots were fired and said, “A soldier gave his gun to an *Inkeragutabara* and he shot Innocent in the head.”³⁸

Four residents of Kabeza who later saw Mbarushimana’s body told Human Rights Watch that he had been shot in the back of the head.

Pierre Hakizimana, killed November 28, 2016

Hakizimana, 35 and the father of five, guarded cows in Rutsiro and Rubavu districts. A local authority in Busuku cell in Rutsiro district accused him of being a thief, and soldiers then arrested him. People close to Hakizimana were told that he was detained at the cell office, so they went to visit him there the next day.

One of them told Human Rights Watch what happened when they arrived:

There were 10 of us, members of the family and neighbors. As we approached Busuku, villagers told us that they had seen soldiers take [Hakizimana] to a nearby tea field, so we went in that direction. When we arrived, we saw soldiers standing around Pierre’s body. One of them said, “Take the body and leave.” When we got to his body, I wanted to cry. But the soldier told us, “Do not cry for a thief.” I was sad and shocked; they would not even let the family mourn... A few weeks after Pierre’s death there was a meeting and the soldiers said, “All thieves will be killed. Look at what happened to Pierre.”³⁹

³⁷ Human Rights Watch interview with resident of Rubavu district, April 19, 2017.

³⁸ Human Rights Watch interview with resident of Rubavu district, May 24, 2017.

³⁹ Human Rights Watch interview with resident of Rutsiro district, June 14, 2017.

Jovan Karasankima, killed between November 28 and 29, 2016

Karasankima, 40 and the father of three, was accused of stealing a sheep and a lamb in Kavumu village in Rutsiro district. Local authorities and the *Inkeragutabara* caught Karasankima. The authorities told someone close to him that he would be brought to the police. However, members of the *Inkeragutabara* instead beat him to death. Witnesses who saw the body told Human Rights Watch that he had been beaten all over his body.⁴⁰

Someone close to Karasankima went to the police in Kavumu and asked why no case had been opened against the killers. He said, “The police told me he was killed by the *Inkeragutabara* on the orders of the authorities of the cell. He said an order was given to kill thieves and then he told me to go away.”⁴¹

Fulgence Rukundo, killed December 6, 2016

Rukundo, approximately 28 and the father of two, was detained by a local government official and six soldiers at his home in Munanira village in Rubavu district in the early morning of December 6. Witnesses to his arrest said he was questioned about a stolen cow. Rukundo did not resist arrest and was told he needed to show the authorities where another man accused of the same crime lived.⁴²

Later that morning a witness said he saw Rukundo walking towards the BRALIRWA brewery near the lake, where a meeting was taking place, carrying the carcass of a dead cow:

He had his hands tied in front of him and he had this cow carcass on his back and on his arms. The cow’s head was on his own head. Six soldiers told him to walk and there were maybe a hundred villagers following. I followed too. They took him to a primary school near the brewery where a meeting with the mayor of Rubavu had already started. The mayor was talking about the problem of thieves, and when we arrived the meeting turned to Fulgence.

⁴⁰ Human Rights Watch interview with resident of Rutsiro district, February 21, 2017; and Human Rights Watch interview with resident of Rutsiro district, May 17, 2017.

⁴¹ Human Rights Watch interview with resident of Rutsiro district, May 17, 2017.

⁴² Human Rights Watch interview with resident of Rubavu district, June 14, 2017.

The mayor said that Fulgence had killed another person's cow. Fulgence denied it but he was not allowed to speak. He was just yelling, "I'm innocent!" But the soldiers next to him shouted, "No, you are a thief!" The mayor agreed with the soldiers. The mayor and the soldiers started to write on a piece of paper and then they each signed it. The mayor then announced, "This paper declares that thieves caught will be killed directly." Some people applauded this; others asked for Fulgence to be forgiven. But the mayor said, "All thieves must be killed." He said it was an order.



Fulgence Rukundo was executed on December 6, 2016. © 2016 Private

When the meeting was finished, the soldiers walked Fulgence to a small field near a banana plantation. We tried to follow, but the soldiers told us to stay away. There were many of us following; some were primary students. We wanted to see what would happen.

I heard Fulgence say, "I'm tired," and the soldiers told him to sit down. They untied his hands and they took the cow carcass off of him... A soldier told him to stand up and walk and another soldier told us to leave. At that moment, I heard three shots. The soldiers then yelled at us to leave and we were scared so we ran.⁴³

Rukundo's body was later taken to the morgue in Gisenyi.

Thaddée Uwintwali, killed December 13, 2016

In the evening of December 13, five soldiers arrived at the home of Uwintwali, a farmer in Murambi village in Rutsiro district. An individual close to Uwintwali said they knocked on the door and summoned him outside into the courtyard where they questioned

⁴³ Human Rights Watch interview with resident of Rubavu district, June 15, 2017.

him about a stolen goat and then started to beat him. The soldiers then took him away.

Friends and family started to look for Uwintwali early the next morning. Someone close to the family told Human Rights Watch, “We went over [to Uwintwali’s house] first thing the next morning. We were mobilizing to look for him when a man came and said he saw the body on the road about a twenty-minute walk away. We went there and found Thaddée’s body. He had been shot through the chest.”⁴⁴

Two weeks after Uwintwali was killed, soldiers announced at a Boneza sector meeting: “If someone is caught stealing they are going to have a problem with us.”⁴⁵



Thaddée Uwintwali was executed on December 13, 2016. © 2016 Private

Jeannine Mukeshimana and Benjamin Niyonzima, killed December 16, 2016

Mukeshimana, 22 and a mother of one, and Niyonzima, 21 and a father of one, were killed after allegedly smuggling marijuana across the border from Congo to Bisizi village in Rubavu district. They were crossing the border with four other individuals, three of whom were also killed.⁴⁶ According to local residents, Mukeshimana and Niyonzima were known in the community for smuggling goods across the border, including drugs and minerals.



Jeannine Mukeshimana was executed on December 16, 2016. © 2016 Private

Residents of Bisizi told Human Rights Watch they heard shots in the valley near the border with Congo in the evening of December 16. The next day, local authorities told residents

⁴⁴ Human Rights Watch interview with resident of Rutsiro district, June 14, 2017.

⁴⁵ Human Rights Watch interview with resident of Rutsiro district, June 7, 2014.

⁴⁶ Human Rights Watch has not confirmed the identities of the three other victims, so they are not included in the list of cases it has documented.

to go to the border to identify the bodies. Someone close to Mukeshimana told Human Rights Watch what happened next: “When I arrived, I saw many soldiers standing around the bodies. One soldier said, ‘Look! But no photos! Let this be an example for you that those who travel across the border illegally will be killed like this. These people were transporting marijuana.’ I saw Jeannine among the bodies. I was traumatized.”⁴⁷

Another resident told Human Rights Watch, “We went to see the five bodies. Jeannine had been shot in the head. The message from the military was clear. They said she was smuggling marijuana and that this should be an example for the village.”⁴⁸



Benjamin Niyonzima was executed on December 16, 2016. © 2016 Private

The same night soldiers went to Niyonzima’s home village, Kanembwe, and told the village chief in front of several residents that they had killed Niyonzima because he was smuggling marijuana.⁴⁹

Emmanuel Niyigena, killed January 25, 2017

A month after Mukeshimana and Niyonzima (above) were killed, 25-year-old Niyigena was killed in the same area. The bricklayer was arrested and then killed by soldiers as he came back from Congo. A witness to his arrest told Human Rights Watch: “When we had crossed the border from Congo and after we walked 50 meters inside Rwanda, we ran into four Rwandan soldiers. They stopped us, took Emmanuel and went with him into the bush. A few minutes later, we heard several gunshots. They had killed him.”⁵⁰ Several other witnesses told Human Rights Watch that his face had been destroyed by multiple bullets. Soldiers later told the family that they suspected him of smuggling drugs.

⁴⁷ Human Rights Watch interview with resident of Rubavu district, March 13 and May 18, 2017.

⁴⁸ Human Rights Watch interview with resident of Rubavu district, May 18, 2017.

⁴⁹ Human Rights Watch interview with resident of Rubavu district, March 28, 2017.

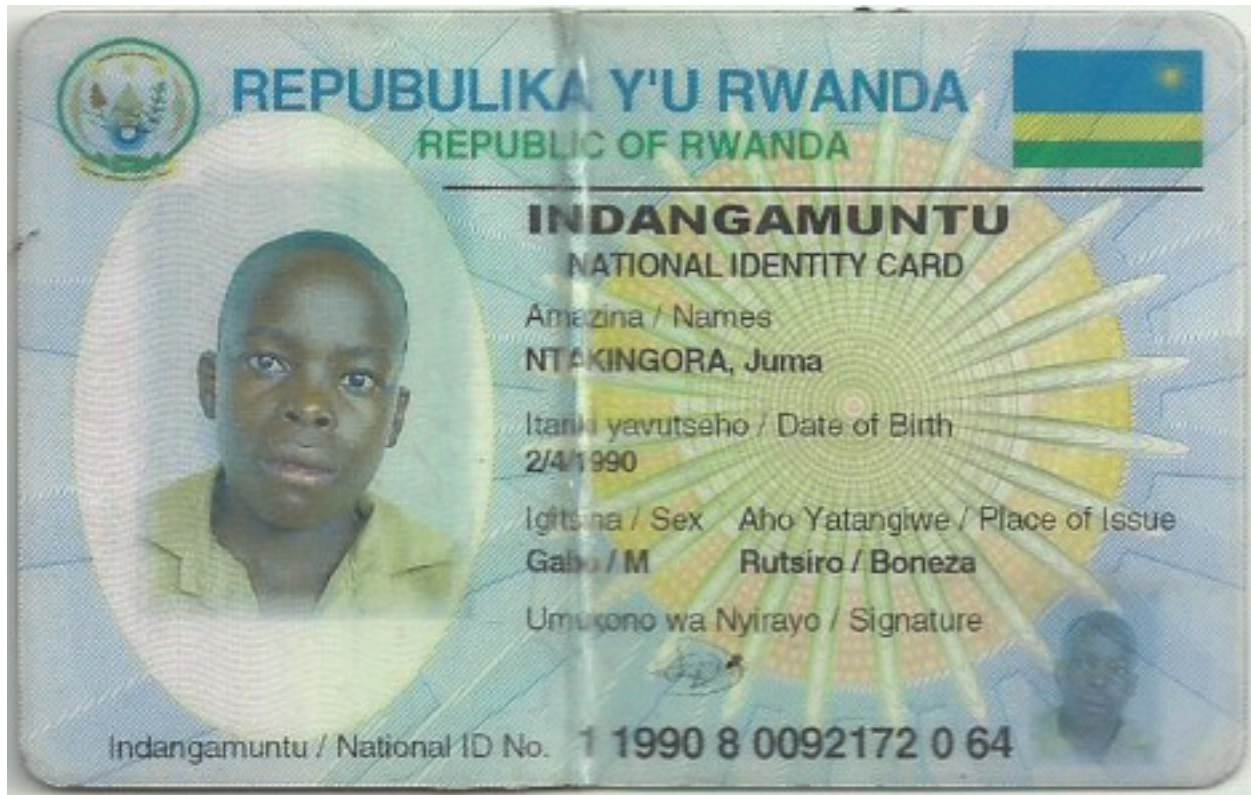
⁵⁰ Human Rights Watch interviews with resident of Rubavu district, April 6, 2017.



Bugarura island in Boneza sector, Rutsiro district. Rwandan security forces killed at least three fishermen from the island between September and December 2016. Another is missing and presumed dead. The men were killed because they were using illegal fishing nets. © 2017 Human Rights Watch

Executions of Fishermen Using Illegal Fishing Nets

Human Rights Watch documented the killings of 11 fishermen on or near Lake Kivu in Bushaka and Gabiro cells in Rutsiro district and in Rubona cell in Rubavu district. According to family members, friends, and other community members, the victims were all killed because they had used illegal fishing nets, known as *kangingini*. The *kangingini* net has smaller holes than a legal net and can catch more fish. However, it can also catch young fish and therefore contributes to diminishing the fish stock, which is why it is considered illegal.



Juma Ntakingora was executed on September 21, 2016. © 2016 Private

Local authorities, including military and police officers, had warned residents for several years that it was illegal to use these nets, but by 2016 the warnings turned to threats. A fisherman who uses a *kaningini* told Human Rights Watch, “In meetings the authorities would say, ‘Don’t use the *kaningini*.’ Then in 2016 they started to say, ‘We are tired of this. Whoever is caught will now have problems with us.’ But because of poverty we have no choice but to keep using the nets.”⁵¹

The executions on Lake Kivu all happened at night when the victims were fishing from canoes. Several of the victims were fishing with other men, who survived the killings by jumping into the water.

⁵¹ Human Rights Watch interview with resident of Rutsiro district, June 13, 2017.

Juma Ntakingora, 26, was killed on September 21, 2016, while fishing near Bugarura village in Bushaka cell. Someone close to Ntakingora told Human Rights Watch: “He was fishing with a friend who later came and told us that they had been attacked by the military patrol boat, that it just came upon them and the soldiers started shooting. We went down to the lake the next day and found his body. He was still in the canoe; it was along the shore. Juma had been shot in the stomach.”⁵²



Juma Ntakingora was executed on September 21, 2016. © 2016 Private

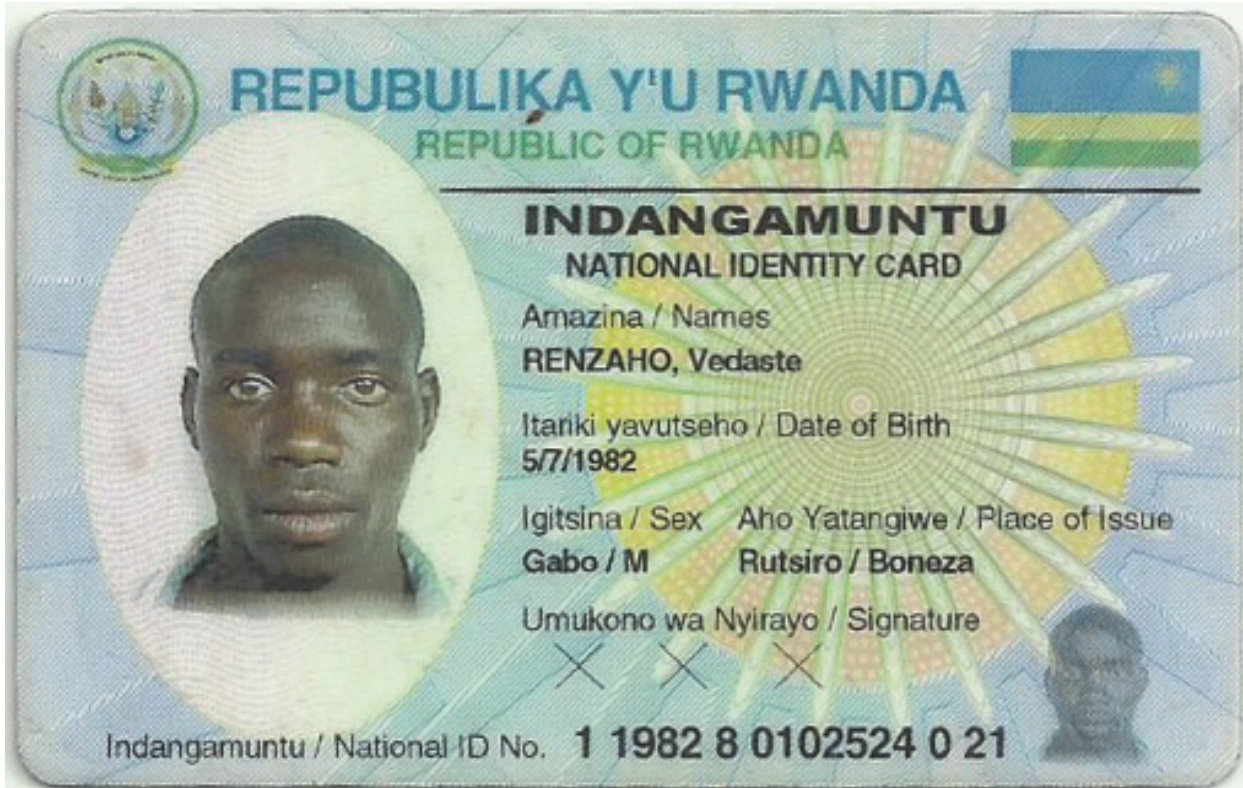
Vedaste Renzaho, 34, was killed in late December 2016 while fishing. He was with another man, who survived the attack and later told Human Rights Watch:

We had been fishing for about two hours when we heard the motor of a military boat. Then we saw its lights. I said to Vedaste, “If you see a boat like that at night, it is looking for us; we should go back in.” But he said, “No, don’t be afraid. They won’t find us.” But when the boat got closer, I decided it was too dangerous. Vedaste could not swim. I said, “Ok, you stay in the boat.” Because I’m a good swimmer, I jumped into the water. I hoped that they would just take the net. I watched from a distance as the soldiers approached the boat. I heard one of them say to Vedaste, “Where is the other guy?” He said, “He jumped into the water.”... They looked at the net and asked why he used it. Then they shot him. They then took a big light and started looking for me, but I swam away.⁵³

Local residents found Renzaho’s body the next day, in his canoe along the shore. He had been shot in the stomach.

⁵² Ibid.

⁵³ Human Rights Watch interview with resident of Rutsiro district, June 15, 2017.



Vedaste Renzaho was executed in late December 2016. © 2016 Private

Alexandre Bemeriki, a fisherman and father of four, was killed in October 2016 after soldiers found *kaningini* at his home. Someone close to Bemeriki told Human Rights Watch, “Soldiers went to his house around 9 p.m. and took him outside. I saw them put his hands behind his back. They started to beat him and told him to bring out his fishing net.

He was asking forgiveness... The next day we heard that there was a body down near the lake. We went to look and we found Bemeriki’s body. He had been shot in the chest.”⁵⁴

The village chief who was there when the body was discovered told Bemeriki’s family members, “You are poor and you can’t pay for an autopsy. So because you are poor, just bury him.”⁵⁵

⁵⁴ Human Rights Watch interview with resident of Rutsiro district, June 14, 2017.

⁵⁵ Human Rights Watch interview with resident of Rutsiro district, June 14, 2017.

As with other cases of extrajudicial executions, local civilian, military, and police authorities were open with community members about the killings and sought to use them as examples. A resident of Bugarura told Human Rights Watch about a meeting organized by the police at the sector office in late December, soon after *Amulani Bazangirabate*, 22, was shot dead by soldiers:

The police said that people should not go out in the water at night alone and that all fishermen need to be in associations so they use correct nets.

The executive secretary of the Boneza sector then said, “For example Amulani and Nyumagabo⁵⁶ could not be allowed to fish illegally. They were killed because they used an illegal net.”⁵⁷



Alexandre Bemeriki was executed in October 2016. © 2016 Private

Despite the risks, people continue to use the *kaningini*. One fisherman told Human Rights Watch, “They say not to use them, but we have no choice. We must eat. People still fish with it because they have no choice.”⁵⁸

⁵⁶ Nyumagabo, a 17-year-old boy, was fishing with Bazangirabate. His body was never found, and Human Rights Watch has not included his death in the list of confirmed extrajudicial executions.

⁵⁷ Human Rights Watch interview with resident of Rutsiro district, June 13, 2017.

⁵⁸ Human Rights Watch interview with resident of Rutsiro district, June 14, 2017.

Killed by Civilians after Encouragement from Local Authorities

Human Rights Watch documented two cases of men killed by civilians after being told to do so by local authorities.⁵⁹ There may be more cases of this nature as Human Rights Watch spoke with people who participated in meetings in which this was encouraged. For example, one participant at a meeting in Nyundo sector, Rubavu district, told Human Rights Watch, “The mayor of the district told the population to stop keeping livestock in their homes, but the population said there was a problem with thieves. So the mayor said that if there are thieves amongst us, we should kill them.”⁶⁰

Claude Barayavuga, killed April 27, 2017

Barayavuga was a 19-year-old with intellectual disabilities from Bahimba village, Rubavu district. He had a history of stealing in his community. People close to Barayavuga told Human Rights Watch that this was because of his disability. “If he saw sugar cane or maize that was ready to eat, he would take it,” one person said. “He did this because he was sick and he did not really understand that he should not do it. He would steal a lot.”⁶¹

⁵⁹ Human Rights Watch can find no public statements by police condemning mob justice in Western Province. However, in recent months there have been at least three public statements by the police in the Southern Province, one in the Eastern Province, and one in the capital, Kigali, telling citizens not to engage in “self-administered” justice against suspected thieves. For example, on March 8, 2017, the police issued a statement regarding the killing of Jean Bikorimana, accused of stealing rabbits. In the statement, Andre Hakizimana, police spokesman for Southern Province, said, “A crime can’t be rectified by a crime. The justice sector is there to ensure that when a crime is committed, professionals and accredited institutions handle it appropriately. When you take matters into your own hands, you have committed a crime and you will be prosecuted... Everyone has the right to defend himself or herself in courts of law.” On the statement in Southern Province, see “Police warns against self-administered justice,” *Rwanda News Agency*, March 8, 2017, <http://rnanews.com/national/12823-police-warns-against-self-administered-justice> (accessed July 9, 2017); “Police warns against self-administered justice,” Rwanda National Police news release, April 11, 2017, http://www.police.gov.rw/news-detail/?tx_ttnews%5Btt_news%5D=9292&cHash=59aa987028dd5d5d6f43b4aaa778bd08 (accessed July 9, 2017); and “Police condemns ‘self-administered justice’ as two are arrested,” *Rwanda Eye*, January 20, 2017, <http://rwandaeye.com/police-condemns-self-administered-justice-as-two-are-arrested/> (accessed July 9, 2017). This article, describing a crime that occurred in Nyamagabe district, Southern Province, erroneously presents Hakizimana as the police spokesman of Western Province. On the statement in the Eastern Province, see “Rwamagana: DPC cautions against ‘self-administered justice,’” Rwanda National Police news release, March 26, 2017, http://www.police.gov.rw/news-detail/?tx_ttnews%5Btt_news%5D=9181&cHash=9fd7176b0f5be3bd6ffddc1cb99576d4 (accessed July 9, 2017). On the statement in Kigali, see “Police hunt three suspects for lynching street children,” *The East African*, May 6, 2017, <http://www.theeastafrican.co.ke/Rwanda/News/Police-hunt-suspects-lynching-street-children/1433218-3915790-147xfgz/index.html> (accessed July 9, 2017).

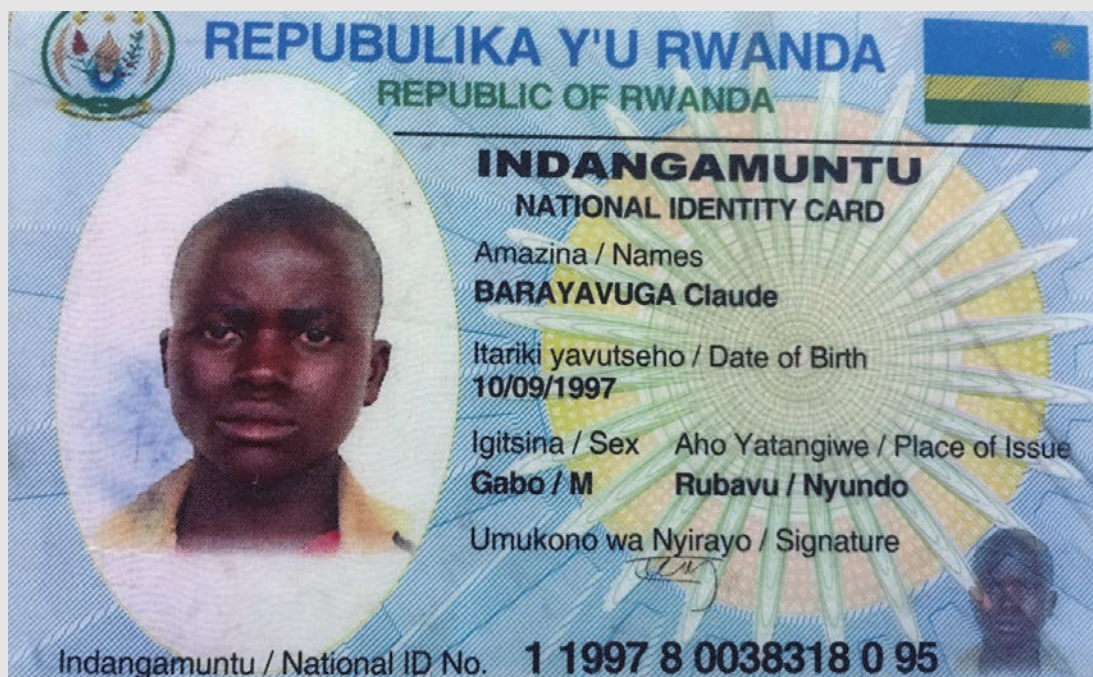
⁶⁰ Human Rights Watch interview with resident of Rubavu district, February 21, 2017.

⁶¹ Human Rights Watch interview with resident of Rubavu district, May 17, 2017.

On April 23, the village chief held a meeting and, according to a participant, told local residents: “I have been asked to give a list of criminals and thieves to the cell officials. I know there is one thief, Jean-Claude. If you catch him, kill him.”⁶²

On April 27, Barayavuga stole two light bulbs from a private citizen who chased him down and beat him to death with a hammer. The police arrested the man suspected of killing Barayavuga, but he was released a few days later. Another resident told Human Rights Watch, “Claude’s death was sanctioned. Just a few days before he was killed, I heard the chief say at a meeting, ‘If Jean-Claude is caught stealing again, kill him.’”⁶³

On May 3, the executive secretary of Nyundo sector held a meeting in Gatuvo, a commercial center near Bahimba. According to three witnesses, he told residents at the meeting, “the death of Jean-Claude is an example for all thieves.”⁶⁴



Claude Barayavuga was killed on April 27, 2017. © 2016 Private

⁶² Human Rights Watch interview with resident of Rubavu district, May 16, 2017.

⁶³ Human Rights Watch interview with resident of Rubavu district, May 17, 2017.

⁶⁴ Human Rights Watch interview with resident of Rubavu district, May 17, 2017.

Threats to Family Members

In almost all the extrajudicial killings documented by Human Rights Watch, family members of victims were too afraid to seek justice, despite their right under Rwandan and international law to do so (see section IV). The reason for this was best summed up by the uncle of one victim: “Who could we accuse even if we wanted to? These men are killed by the state, and you can’t accuse the authorities of the state.”⁶⁵

Many family members were threatened when they tried to recover the bodies of their loved ones. The authorities told them not to inquire about what happened, and not to grieve. Some families buried the body in secret, to avoid any reprisals from the authorities. Several families left their villages when their husbands, sons, or brothers were killed, fearing that they could also be targeted.

“They told me they had taken [my husband] to the forest,” a widow told Human Rights Watch. “When we arrived there, we saw the soldiers and then we saw [the body]. The soldiers told us not to be sad and not to cry. They said if we dared to cry, we would risk being shot.”⁶⁶

“Since the killing, our community is very saddened,” a witness to one of the killings told Human Rights Watch. “We decided to keep our mouths shut; we cannot talk about this incident. We have no right to free expression. If we talk about this, we will end up in prison or disappear.”⁶⁷

In a few cases, family members of victims did try to seek justice, but they were discouraged by local authorities. The widow of one victim from Rutsiro district told Human Rights Watch that she sought justice in the village where her husband was killed:

I went to the police, and I asked why there was no case against the man who killed my husband. I was told that an order had been given and I was to go away. They told me he was killed on orders of the authorities of the cell. When the police told me to leave, I knew I had no choice. I wanted [my

⁶⁵ Human Rights Watch interview with resident of Rutsiro district, June 13, 2017.

⁶⁶ Human Rights Watch interview with widow of victim, February 8, 2017.

⁶⁷ Human Rights Watch interview with witness, March 16, 2017.

husband]’s ID but the police said, “No, it’s for us.” Now I don’t dare to return to get it. They scare me... When the police said, “the order was given,” I was so disappointed. But if the police helped to investigate and if I had money for a lawyer, I would file a case against those who killed my husband.⁶⁸

Most family members were simply too scared to inquire into the killings. The widow of one victim told Human Rights Watch, “The things I’ve told you I can’t say to the authorities because I could be killed as well. I live in fear. I don’t understand where this order to kill thieves comes from. But now I wonder if they will decide to kill the widows of men they accused of stealing.”⁶⁹

⁶⁸ Human Rights Watch interview with resident of Rutsiro, June 13, 2017.

⁶⁹ Human Rights Watch interview with resident of Rutsiro, June 13, 2017.

III. Government Response to Extrajudicial Executions

On July 5, 2017, Human Rights Watch delivered a letter⁷⁰ to Johnston Busingye, minister of justice, outlining its research on extrajudicial executions in Rubavu and Rutsiro, highlighting concerns, asking for further information, and requesting a meeting. Copies were also delivered to the ministers of defense and local government and the head of the police. The appendices in this report were attached to the letter. None of these officials responded to Human Rights Watch.

On July 5 and 6, Human Rights Watch met with five local officials from some of the areas where the violations documented in this report took place. The mayor of Rubavu district, Jeremie Sinamenye, told Human Rights Watch that the reports of extrajudicial executions of thieves and drug smugglers in Rubavu were based on false information:

What the people are telling you is not true. We are preparing for elections and in this period, there are many rumors. These lies come from the FDLR and the *abacengezi*⁷¹ to destabilize the country. This is Habyarimana's region⁷² and there are still people loyal to him in Congo. In Rwanda, we follow the law. If someone is suspected of a crime, they are taken to the police and they will go to court. The military do not participate in the affairs of the population. There is no new law saying that thieves should be killed. There is nothing of the kind. This is all rumors.⁷³

The executive secretary of Nyundo sector in Rubavu district, Jean Bosco Tuyishime, told Human Rights Watch he had only been in his post for three months and could not answer

⁷⁰ See Appendix IV for a copy of the letter.

⁷¹ 'Infiltrator', or '*abacengezi*' in Kinyarwanda, is a term often used to describe those who wish to destabilize Rwanda, particularly those with links to the FDLR who have infiltrated into Rwanda from Congo and other neighboring countries.

⁷² Juvénal Habyarimana was the President of Rwanda from 1973 to 1994. On April 6, 1994, he died in a plane crash over the Rwandan capital, Kigali, which triggered the genocide. Habyarimana was from the area now known as Nyabihu district, Western Province.

⁷³ Human Rights Watch interview with Jeremie Sinamenye, mayor of Rubavu district, Rubavu district, July 6, 2017.

questions about the extrajudicial executions and other violations. He said the district mayor's response to Human Rights Watch also represented his own response.⁷⁴

The executive secretary of Nyamyumba sector in Rubavu district, Elisaphan Ugiriribambino, also told Human Rights Watch that he was new to his post, he was appointed in March 2017, and that he had not heard about the executions of Fulgence Rukondo and Innocent Nshimiyimana. He said, "I do not think the military could kill people here. I think this is lies. There has been no order here in Rubavu to kill thieves."⁷⁵

The executive secretary of Rukoko cell in Rubavu district, Chantal Mukeshimana, told Human Rights Watch that Ernest Tuyishime, Jeannine Mukeshimana, Benjamin Niyonzima and others were killed by the military while illegally crossing the border. However, she explained that these killings were not because of crimes they had committed or drug smuggling, but because they refused to stop when told to by the soldiers. "Instead they ran," she told Human Rights Watch. "The military then had no choice but to shoot them; it is a security issue." Mukeshimana told Human Rights Watch that she is not aware of any order to execute suspected thieves.⁷⁶

Etienne Nirere, the executive secretary of Boneza cell in Rutsiro district, where Human Rights Watch documented the killings of 11 fishermen between September 2016 and March 2017, told Human Rights Watch that while the *kaningini* nets have been illegal since 2006, nobody had been killed for using them. Human Rights Watch shared its research findings



Ernest Tuyishime was executed on August 5, 2016.
© 2016 Private

⁷⁴ Human Rights Watch interview with Jean Bosco Tuyishime, executive secretary of Nyundo sector, Rubavu district, July 6, 2017.

⁷⁵ Human Rights Watch interview with Elisaphan Ugiriribambino, executive secretary of Nyamyumba sector, Rubavu district, July 6, 2017.

⁷⁶ Human Rights Watch interview with Chantal Mukeshimana, executive secretary of Rukoko cell, Rubavu district, July 6, 2017.

with Nirere, and he suggested that many missing fishermen presumed dead may have left for Lake Victoria, between Uganda and Kenya, for work. When told by Human Rights Watch of testimony indicating the 11 bodies had been found, he said, “Many fishermen drown in the water; the boats can be turned over by waves.” When told of testimony of wounds indicating the fishermen had been shot, Nirere said, “I don’t know about that, but the military and the police do not kill people.”⁷⁷ Nirere told Human Rights Watch he was not aware of any order or policy to kill thieves.

⁷⁷ Human Rights Watch interview with Etienne Nirere, executive secretary of Boneza sector, Rutsiro district, July 6, 2017.

IV. National and International Legal Standards

The rights to life, to bodily integrity, liberty and security as well as to due process and a fair trial, including the presumption of innocence, are guaranteed in the Rwandan constitution and international law. According to Rwandan law, a police officer may only use firearms when he or she has unsuccessfully tried other means of force, is subject to violence, or is fighting or arresting armed persons. There did not appear to be any threat to the lives of security personnel or others in any of the cases documented by Human Rights Watch. None of the victims were armed, and there was no evidence that any of the suspects had used violence, either when committing any crime or at the time of arrest.

The Rwandan Constitution

There is no legal basis for executions in Rwanda, judicial or extrajudicial, as the death penalty was abolished in 2007. In the cases documented by Human Rights Watch, no procedures were undertaken to establish the guilt of suspected criminals before executing them and statements and acts by soldiers preceding the killings denied a presumption of innocence.

The executions documented in this report violate several key articles of the constitution:

- Article 12 states that “no one shall be arbitrarily deprived of life.”
- Article 13 states that “a human being is sacred and inviolable [and] the state has an obligation to respect, protect and defend the human being.”
- Article 15 states that “all persons are equal before the law. They are entitled to equal protection of the law.”
- Article 29 states that “everyone has the right to due process of law, which includes the right: (1) to be informed of the nature and cause of charges and the right to defence and legal representation; (2) to be presumed innocent until proven guilty by a competent Court; [and] (3) to appear before a competent Court...”⁷⁸

⁷⁸ Rwandan Constitution adopted in 2003, revised in 2005, 2008, 2010, and 2015, arts. 12, 13, 15 and 29, http://www.minijust.gov.rw/fileadmin/Law_and_Regulations/Official_Gazette_no_Special_of_24.12.2015__2__1_.pdf (accessed July 10, 2017).

International Conventions and Standards

International human rights law obligates governments to end impunity for serious human rights violations by undertaking prompt, thorough, and impartial investigations of alleged human rights violations, ensuring that those responsible for serious violations are prosecuted, tried and duly punished, and providing an effective remedy for victims.⁷⁹

Rwanda is a party to a number of international treaties (such as the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights) that strictly prohibit arbitrary deprivation of life, arbitrary detention, and ill-treatment of detainees, and that also require due process and fair trial. Under those treaties it has assumed legal obligations to deter and prevent gross violations of human rights, and to investigate, prosecute and remedy such violations.⁸⁰ This also entails addressing the victims' rights to justice and reparations.⁸¹

The International Covenant on Civil and Political Rights (ICCPR) requires that governments adopt measures, including through the legal system, to protect fundamental rights.⁸² According to the UN Human Rights Committee, the independent expert body that monitors compliance with the ICCPR, a government's failure to investigate and bring perpetrators to justice, particularly with respect to crimes such as killings, may itself be a violation of the covenant.⁸³

⁷⁹ See UN Commission on Human Rights, "Report of the independent expert to update the set of principles to combat impunity," E/CN.4/2005/102/Add.1, February 8, 2005, para. 19.

⁸⁰ International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No.16) at 52, U.N. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, ratified by Rwanda on April 16, 1975; African [Banjul] Charter on Human and Peoples' Rights, adopted June 27, 1981, OAU Doc. CAB/LEG/67/3/ rev. 5, 21 I.L.M. 58 (1982), entered into force October 21, 1986, ratified by Rwanda on July 15, 1983.

⁸¹ See Human Rights Committee, General Comment 31, Nature of the General Legal Obligation on States Parties to the Covenant, U.N. Doc. CCPR/C/21/Rev.1/Add.13 (2004), para. 15 ("States Parties must ensure that individuals also have accessible and effective remedies to vindicate those rights" protected by the ICCPR). See also Updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity ("Impunity Principles"), U.N. Doc. E/CN.4/2005/102/Add.1, February 8, 2005, adopted by the UN Commission on Human Rights in Resolution E/CN.4/2005/81, April 15, 2005, principle I; Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law ("Reparations Principles"), adopted December 16, 2005, G.A. res. 60/147, U.N. Doc. A/RES/60/147 (2005), principle 11.

⁸² ICCPR, arts. 2(2) & (3).

⁸³ Human Rights Committee, General Comment No. 31, Nature of the General Legal Obligation Imposed on States Parties to the Covenant, CCPR/C/21/Rev.1/Add.13, (2004), arts. 15 & 18.

Similarly, the African Charter on Human and Peoples' Rights places obligations on states to ensure protection of charter rights, and for individuals to have rights violations against them heard by competent national institutions.⁸⁴

Various international standards also seek to promote state efforts to obtain justice for victims. For instance, the Principles on the Effective Prevention and Investigation of Extralegal, Arbitrary and Summary Executions call upon governments to remove officials implicated in such crimes from direct or indirect power over the complainants and witnesses, as well as those conducting the investigation.⁸⁵

Combating impunity requires the identification of the specific perpetrators of the violations. Superiors may also be responsible for the unlawful acts of their subordinates, where the superior had effective control over their subordinates, knew or had reason to know of the unlawful acts, and failed to prevent or punish those acts.⁸⁶

In addition to the obligation to investigate and prosecute, governments have an obligation to provide victims with information about the investigation into the violations.⁸⁷ The former UN Commission on Human Rights adopted principles stating that “irrespective of any legal proceedings, victims, their families and relatives have the imprescriptible right to know the truth about the circumstances in which violations took place.”⁸⁸

Under the ICCPR, states also have an obligation “to ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy.”⁸⁹ The ICCPR imposes on governments the duty to ensure that any person shall have their right to an

⁸⁴ African Charter, arts. 1 & 7.

⁸⁵ Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions: Recommended by Economic and Social Council resolution 1989/65 of 24 May 1989, E.S.C. res. 1989/65, annex, 1989 U.N. ESCOR Supp. (No. 1) at 52, U.N. Doc. E/1989/89 (1989), <http://www.ohchr.org/EN/ProfessionalInterest/Pages/ArbitraryAndSummaryExecutions.aspx> (accessed June 26, 2017), principle 15.

⁸⁶ See Prosecutor v. Delalic, International Criminal Tribunal for the former Yugoslavia (ICTY), Case No. It-96-21-T, November 16, 1998, para. 346 (Celebici). See also Rome Statute of the International Criminal Court, 2187 U.N.T.S. 90, entered into force July 1, 2002, art. 28.

⁸⁷ UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, March 21, 2006, adopted by the 60th session of the United Nations General Assembly, A/RES/60/147, paras. 11(c) and 24.

⁸⁸ UN Set of Principles for the Protection and Promotion of Human Rights Through Action to Combat Impunity, October 2, 1997, adopted by the UN Commission on Human Rights, E/CN.4/Sub.2/1997/20/Rev.1, principle 3.

⁸⁹ ICCPR, art. 2(3)(a).

effective remedy “determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the state, and to develop the possibilities of judicial remedy.”⁹⁰ The state is under a continuing obligation to provide an effective remedy; there is no time limit on legal action.⁹¹

The UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials state that “law enforcement officials shall not use firearms against persons except in self-defence or defence of others,” “only when less extreme means are insufficient to achieve these objectives,” and that intentional lethal use of firearms should only happen “when strictly unavoidable in order to protect life.”⁹²

⁹⁰ ICCPR, art. 2(3)(b); Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, March 21, 2006, adopted by the 60th session of the United Nations General Assembly, A/RES/60/147, principle II.3.(d): “The obligation to respect, ensure respect for and implement international human rights law and international humanitarian law as provided for under the respective bodies of law, includes, inter alia, the duty to: (d) Provide effective remedies to victims, including reparation, as described below.”

⁹¹ Human Rights Committee, General Comment 29, States of Emergency (art. 4), U.N. Doc. CCPR/C/21/Rev.1/Add.11(2001), para. 14.

⁹² Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, Adopted by the Eight United Nations Congress on the Prevention of Crime and Treatment of Offenders, 1990, principle 9.

Acknowledgments



This report was researched and written by researchers in the Africa Division at Human Rights Watch. Ida Sawyer, Central Africa director, and Babatunde Olugboji, deputy program director, edited the report. Aisling Reidy, senior legal advisor, provided legal review. Jean-Sébastien S  pulchre, associate in the Africa division, provided additional editorial assistance. John Emerson provided the maps. Olivia Hunter, Jose Martinez, and Fitzroy Hepkins provided production assistance.

Sarah Leblois translated the report into French. Jean-S  bastien S  pulchre and Peter Huvos, French website editor, vetted the French translation.

Human Rights Watch wishes to thank the family members and friends of victims who spoke with us, sometimes at great personal risk.







Appendix I: Victims of Extrajudicial Executions

July 2016 – March 2017

	Name	Dates	Location	Alleged Offense	Perpetrator
1.	Flavien Muke, alias Basare	Executed on July 27, 2016	Cell: Kabilizi Sector: Rugerero District: Rubavu	Injuring a cow	Shot dead by police
2.	Jean Damascène Ntiriburakaryo	Beaten to death on July 30, 2016	Cell: Burinda Sector: Rubavu District: Rubavu	Absence at <i>Umuganda</i> (mandatory community labor)	Beaten to death by military
3.	Jean Kanyesoko 	Executed on August 2, 2016	Cell: Kavomo Sector: Nyundo District: Rubavu	Stealing sugar cane	Shot dead by military
4.	Ernest Tuyishime 	Executed on August 5, 2016	Cell: Rukoko Sector: Rubavu District: Rubavu	Stealing a cow	Shot dead by military
5.	Daphrose Niyrabavakure	Executed on August 10, 2016	Cell: Nkora Sector: Kigeyo District: Rutsiro	Stealing manioc	Beaten to death by DASSO
6.	Jean de Dieu Bihibindi	Arrested on September 9, 2016 Body found on September 11, 2016	Cell: Ngoma Sector: Nyabirasi District: Rutsiro	Stealing a cow	Arrested by DASSO

7.	Pascal Nsabiyeze	Arrested on September 15, 2016 Body found on September 17 or 18, 2016	Cell: Mubuga Sector: Nyabirasi District: Rutsiro	Stealing	Arrested by DASSO
8.	Juma Ntakingora 	Executed on September 21, 2016	Cell: Bushaka Sector: Boneza District: Rutsiro	Fishing with illegal net	Shot dead by military or police on Lake Kivu
9.	Alphonse Majyambere	Executed on September 22, 2016	Cell: Nyagahinika Sector: Kigeyo District: Rutsiro	Stealing cows	Shot dead by police or DASSO
10.	Innocent Mbarushimana	Executed on October 11, 2016	Cell: Basa Sector: Rugerero District: Rubavu	Stealing bananas	Shot dead by Inkeragutabara
11.	François Buhagarike	Executed between October 19 and 20, 2016	Cell: Busuku Sector: Nyabirasi District: Rutsiro	Stealing cows	Shot dead by military
12.	Alexandre Bemeriki 	Executed in October 2016	Cell: Bushaka Sector: Boneza District: Rutsiro	Fishing with illegal net	Shot dead by military
13.	Innocent Nshimiyimana	Executed on or around November 5, 2016	Cell: Kiraga Sector: Nyamyumba District: Rubavu	Stealing bananas	Shot dead by military

14.	Jean de Dieu Habiyaemye 	Arrested in late November 2016 and executed two days later	Cell: Ngoma Sector: Nyabirasi District: Rutsiro	Stealing a cow	Arrested and shot dead by military
15.	Pierre Hakizimana	Arrested on November 27, 2016 Executed on November 28, 2016	Cell: Busuku Sector: Nyabirasi District: Rutsiro	Stealing	Shot dead by military
16.	Pierre Bizavaho	Executed on November 27, 2016	Cell: Busuku Sector: Nyabirasi District: Rutsiro	Stealing	Shot dead by military
17.	Jovan Karasankima	Killed between November 28 and 29, 2016	Cell: Ngoma Sector: Nyabirasi District: Rutsiro	Stealing a sheep and a lamb	Arrested by village leader and beaten to death by <i>Inkeragutabara</i>
18.	Fulgence Rukundo 	Executed on December 6, 2016	Cell: Kiraga Sector: Nyamyumba District: Rubavu	Stealing a cow	Shot dead by military
19.	Basabose Hakuzimana 	Executed on December 6, 2016	Cell: Bushaka Sector: Boneza District: Rutsiro	Fishing with illegal net	Shot dead by military or police on Lake Kivu


20.	Thaddée Uwintwali 	Executed on December 13, 2016	Cell: Bushaka Sector: Boneza District: Rutsiro	Stealing a goat	Shot dead by military
21.	Samuel Minani 	Executed on December 15, 2016	Cell: Bushaka Sector: Boneza District: Rutsiro	Fishing with illegal net	Shot dead by military or police on Lake Kivu
22.	Jeannine Mukeshimana 	Executed on December 16, 2016	Cell: Rukoko Sector: Rubavu District: Rubavu	Smuggling marijuana	Shot dead by military
23.	Benjamin Niyonzima 	Executed on December 16, 2016	Cell: Rukoko Sector: Rubavu District: Rubavu	Smuggling marijuana	Shot dead by military
24.	Amulani Bazangirabate 	Executed in late December 2016	Cell: Bushaka Sector: Boneza District: Rutsiro	Fishing with illegal net	Shot dead by military or police on Lake Kivu
25.	Emmanuel Hanyurwabake 	Executed in late December 2016	Cell: Bushaka Sector: Boneza District: Rutsiro	Fishing with illegal net	Shot dead by military

26.	Naftal Nteziriza 	Executed in late December 2016	Cell: Bushaka Sector: Boneza District: Rutsiro	Fishing with illegal net	Shot dead by military on Lake Kivu
27.	Vedaste Renzaho 	Executed in late December 2016	Cell: Bushaka Sector: Boneza District: Rutsiro	Fishing with illegal net	Shot dead by military on Lake Kivu
28.	Emmanuel Nzitakuze	Executed on or around January 11, 2017	Cell: Haniro Sector: Manihira District: Rutsiro	Stealing a motorbike	Shot dead by military
29.	Donat Nsamwitakuze	Executed on or around January 11, 2017	Cell: Haniro Sector: Manihira District: Rutsiro	Stealing a motorbike	Shot dead by military
30.	Gasore	Executed on January 12, 2017	Cell: Kageshi Sector: Busasamana District: Rubavu	Stealing shoes and clothes	Shot dead by military
31.	Emmanuel Niyigena	Executed on January 25, 2017	Cell: Rukoko Sector: Rubavu District: Rubavu	Smuggling marijuana	Shot dead by military
32.	Innocent Habimana	Executed on February 17, 2017	Cell: Rubona Sector: Nyamyumba District: Rubavu	Fishing with illegal net	Shot dead by military on Lake Kivu
33.	Vincent Nshimiyimana	Executed on March 9, 2017	Cell: Rusura Sector: Busasamana District: Rubavu	Illegally crossing the border	Shot dead by military

34.	Prosper Iradukunda	Executed on March 9, 2017	Cell: Rusura Sector: Busasamana District: Rubavu	Illegally crossing the border	Shot dead by military
35.	Joseph Mukeshimana	Executed on March 12, 2017	Cell: Rusura Sector: Busasamana District: Rubavu	Illegally crossing the border	Shot dead by military
36.	Emmanuel Ntamuhanga 	Executed in March 2017	Cell: Bushaka Sector: Boneza District: Rutsiro	Fishing with illegal net	Shot dead by military or police on Lake Kivu
37.	Elias Habyarimana 	Executed on March 25, 2017	Cell: Gabiro Sector: Musasa District: Rutsiro	Fishing with illegal net	Shot dead by military or police on Lake Kivu

Appendix II: People Killed by Civilians after Encouragement from Local Authorities

August 2016 – April 2017

	Name	Date	Location	Alleged Offense	Perpetrator
1.	Théoneste Nzamituma	Killed on August 15, 2016	Cell: Mukondo Sector: Nyondo District: Rubavu	Stealing a bicycle	Killed by civilians after local authorities announced that anyone caught stealing should be killed
2.	Claude Barayavuga 	Killed on April 27, 2017	Cell: Kavomo Sector: Nyundo District: Rubavu	Stealing light bulbs	Killed by a civilian after the chief of the village announced on April 23 that Barayavuga should be killed if caught stealing

Appendix III: Enforced Disappearances

(Victims believed to have been executed, but no body was found or seen by witnesses interviewed by Human Rights Watch)

April 2016 – December 2016

Name	Dates	Location	Alleged Offense	Perpetrator
1. Moïse Tuyisenge	April 26, 2016	Cell: Karambi Sector: Kivumu District: Rutsiro	Fishing with illegal net	Military or police on Lake Kivu
2. Jean Damascène Ntahondereye	Last seen on April 27, 2016 Authorities confirmed death on April 29, 2016. The military told the family his body was already buried.	Cell: Kageshi Sector: Busasamana District: Rubavu	Smuggling goods from Congo	Military
3. Tharcisse Nsanzabera	Last seen on October 17, 2016 Authorities confirmed his death on October 28, 2016	Cell: Bahimba Sector: Nyundo District: Rubavu	Stealing	Police or military
4. Nzabandora Ndayishimiye	Last seen on December 6, 2016	Cell: Bushaka Sector: Boneza District: Rutsiro	Fishing with illegal net	Military or police on Lake Kivu

Appendix IV: Letter to Minister of Justice¹

350 Fifth Avenue, 34th Floor
New York, NY 10118-3299
Tel: +1-212-290-4700
Fax: +1-212-736-1300; 917-591-3452

AFRICA DIVISION

Mausi Segun, *Director*
Corinne DuKa, *Associate Director, West Africa*
Abdullahi Abdi, *Research Assistant*
Laetitia Bader, *Senior Researcher*
Maria Burnett, *Director, East Africa and the Horn*
Jehanne Henry, *Senior Researcher*
Felix Horne, *Senior Researcher*
Zenaida Machado, *Researcher*
Dewa Mavhinga, *Director, Southern Africa*
Lewis Mudge, *Senior Researcher*
Timo Mueller, *Researcher*
Otsieno Namwaya, *Researcher*
Jonathan Pednault, *Researcher*
Ida Sawyer, *Director, Central Africa*
Lauren Seibert, *Associate*
Jean-Sébastien Sépulchre, *Associate*
Savannah Tryens-Fernandes, *Associate*
Jim Worthington, *Researcher*

ADVISORY COMMITTEE

Samuel Murumba, *Co-chair*
Ambassador Robin Sanders, *Co-chair*
Fareeda Banda
Innocent Chukwuma
Jonathan Fanton
Wendy Keys
Wynette Labrosse
Muna Ndulo
Randy Newcomb
Louis Marie Nindorera
Peter Rosenblum
John Ryle
Kim Samuel Johnson
Nick Shaxson
Darlan Swig
Joanna Weschler
Marsha Williams
Michela Wrong

HUMAN RIGHTS WATCH

Kenneth Roth, *Executive Director*
Michele Alexander, *Deputy Executive Director, Development and Global Initiatives*
Iain Levine, *Deputy Executive Director, Program*
Chuck Lustig, *Deputy Executive Director, Operations*
Bruno Stagno Ugarte, *Deputy Executive Director, Advocacy*
Dinah Pokempner, *General Counsel*
James Ross, *Legal & Policy Director*
Hassan Elmasry, *Co-Chair*
Joel Motley, *Co-Chair*



HRW.org

July 5, 2017

His Excellency
Johnston Busingye
Minister of Justice
Ministry of Justice
Kigali
Republic of Rwanda

Dear Minister Busingye,

I am writing to you to share Human Rights Watch's research findings on extrajudicial executions of suspected petty offenders in Western Rwanda between July 2016 and March 2017 and to request the government's response to our findings.

We would be grateful for a response to our questions by July 12.

Findings

Human Rights Watch documented the extrajudicial killings by Rwandan security forces of at least 37 suspected petty offenders in northwestern Rwanda, between July 2016 and March 2017. Human Rights Watch also documented three enforced disappearances of people who are believed to have been killed by security forces but their bodies were never found. We also documented two cases of suspected thieves who were killed by civilians after authorities encouraged them to do so.

Human Rights Watch's findings are based on interviews conducted between January and June 2017 with over 110 witnesses, family members of victims, others knowledgeable about the arrests and executions. The cases documented by Human Rights Watch took place in Rutsiro and Rubavu districts, in northwestern Rwanda. Human Rights Watch received information about several other cases, which it continues to verify.

Most victims were accused of minor offenses, such as stealing, smuggling marijuana, illegally crossing the border with the Democratic Republic of Congo, or using illegal fishing nets on Lake Kivu. There seems to have been no procedure preceding the execution to establish their guilt. Human Rights Watch received multiple reports of threats by civilian and military officials against family members who attempted to inquire into the killings of their loved ones.

Most victims were shot by the military. Others were arrested and/or killed by other security forces, such as the police, members of the *Inkeragutabara*

AMSTERDAM · BEIRUT · BERLIN · BRUSSELS · CHICAGO · GENEVA · GOMA · JOHANNESBURG · KIEV · KINSHASA · LONDON · LOS ANGELES · MOSCOW · NAIROBI · NEW YORK · PARIS · SAN FRANCISCO · SÃO PAULO · SILICON VALLEY · STOCKHOLM · SYDNEY · TOKYO · TORONTO · WASHINGTON · ZÜRICH

¹ Human Rights Watch confirmed an additional enforced disappearance after this letter was delivered to Rwandan authorities.

or the District Administration Security Support Organ (DASSO). Some were ill-treated before their death. In several cases, local government officials, from levels ranging from district mayor to village head, were involved in the arrest or in justifying the execution to local residents after the fact.

Post-mortem medical examinations were only carried out in a few cases, but even in these cases, family members never saw any medical records and questioned the examination's independence.

Many people whom Human Rights Watch spoke to said that prior to or after the killings, military, police, and/or local officials told community members that all criminals should be arrested and executed. In several cases, victims were named in meetings, apparently to set an example and to encourage others not to break the law.

Please see the annex to this letter for details on the specific cases documented by Human Rights Watch, including names of victims, date, alleged offense, and perpetrator.

Questions

1. Has the Rwandan government received any reports about summary killings, especially in the western province? If so, would it be possible to share with us any details about these killings, any investigations that were conducted into these killings, and any sanctions against the perpetrators?
2. Is the ministry aware of any formal or informal directive to local civilian and military authorities to arrest and execute petty offenders?
3. Have there been any investigations, prosecution and/or trials of military officials involved in summary executions? If so, would it be possible to share any details you might have on this? Has any compensation been provided to the families of the victims?
4. What is the legal framework for the involvement of military, police, *Inkeragutabara* and DASSO in arresting suspected criminals, and for the use of force by those security officials against civilians? Which sanctions are being foreseen within this framework in case members of these groups used unjustified force?
5. Are there any internal mechanisms within the Rwanda Defence Force, the police, the *Inkeragutabara* or DASSO to monitor human rights compliance by its forces? If so, would it be possible to share any information with us on its procedures and reporting?
6. Who were the officers in charge of military positions in the districts of Rutsiro and Rubavu in the period covered by our research (July 2016 to March 2017)? Could you provide us with their full names, ranks, and postings during that period?

As indicated above, we would be grateful for a response to our findings and questions by July 12.

Also, as mentioned above, several family members of victims have been threatened by members of the Rwanda Defence Force, the Rwanda National Police, the *Inkeragutabara* and DASSO for inquiring into the circumstances of their loved ones' death. **We encourage you to make public and clear statements forbidding any individual from the state security forces from intimidating or threatening family members of the victims.**

I would also like to request a meeting to further discuss our findings, and I would be grateful for your help in discussing our findings with the relevant local civil and military authorities, as well as the appropriate people at the ministry of defense and the ministry of local government.

I look forward to your reply and to our continued collaboration.

Sincerely,



Daniel Bekele
Senior Director for Africa Advocacy

Copy:

- General James Kabarebe, Minister for Defence
- CG Emmanuel K. Gasana, Inspector General of Police
- Honorable Francis Kaboneka, Minister of Local Government

“All Thieves Must Be Killed”

Extrajudicial Executions in Western Rwanda

State security forces in Rwanda summarily killed at least 37 suspected petty offenders and forcibly disappeared four others between April 2016 and March 2017, in what appears to have been part of a broader strategy to spread fear, enforce order, and deter any resistance to government orders or policies.

Most victims were accused of stealing items such as bananas, a cow, or a motorcycle. Others were suspected of smuggling marijuana, illegally crossing the border from the Democratic Republic of Congo into Rwanda, or of using illegal fishing nets.

Based on 119 interviews conducted in Rwanda, including with witnesses, family members and friends of victims, “*All Thieves Must Be Killed: Extrajudicial Executions in Western Rwanda*” documents how the military, police and auxiliary state security units carried out the killings, sometimes with the assistance of local civilian authorities. No effort was made to investigate the killings or hold the perpetrators accountable.

In many cases, local military and civilian authorities admitted to residents, often during public meetings, that they had killed a suspected petty offender and that all other thieves and other criminals in the region would be arrested and executed.

Authorities warned victims’ family members and friends not to inquire about what happened, and not to grieve. Family members were too afraid to seek justice.

Human Rights Watch calls on the Rwandan government to end summary executions of suspected criminals and to hold those responsible to account. Commanders implicated in the abuses should be suspended immediately pending a judicial investigation. The government should also make clear public statements forbidding anyone from the state security forces from intimidating or threatening victims’ family members.



Top row, from left to right: Juma Ntakingora (executed on September 21, 2016); Alexandre Bemeri (executed in October 2016); Benjamin Niyonzima (executed on December 16, 2016); Basabose Hakuzimana (executed on December 6, 2016); Elias Habyarimana (executed on March 25, 2017).

Middle row, from left to right: Samuel Minani (executed on December 15, 2016); Jean de Dieu Habiwaremye (arrested in late November 2016 and executed two days later); Ernest Tuyishime (executed on August 5, 2016); Thaddée Uwintwali (executed on December 13, 2016); Emmanuel Ntamuhanga (executed in March 2017).

Bottom row, from left to right: Fulgence Rukundo (executed on December 6, 2016); Naftal Nteziriza (executed in late December 2016); Jeannine Mukeshimana (executed on December 16, 2016); Jean Kanyesoko (executed on August 2, 2016); Emmanuel Hanyurwabake (executed in late December 2016).

© 2016 Private