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**REPORT ON INVESTIGATIONS CARRIED OUT BY THE NATIONAL COMMISSION FOR
HUMAN RIGHTS IN RUSTIRO AND RUBAVU DISTRICTS ON THE HUMAN RIGHTS WATCH
(HRW)'S REPORT OF JULY 2017**

October, 2017

I. INTRODUCTION

Pursuant to the Constitution of the Republic of Rwanda of 2003 revised in 2005, in its Article 12 which provides that “ everyone has the right to life. No one shall be arbitrarily deprived of life”; and Article 13 which stipulates that: “ a human being is sacred and inviolable, the State has the obligation to respect, protect and defend the human being”;

In order to enhance human rights respect , Rwanda has put in place the Organic Law n° 31/2007 of 25 July 2007 relating to the abolition of death penalty and its Article 2 states that such a penalty is abolished;

Given the Law N°19/2013 of 25/03/2013 determining missions, organisation and functioning of the National Commission for Human Rights, in its Article 6 item One which confers to the Commission as a mission to receive, examine and investigate complaints relating to human rights violations, and Article 5 item 2 that gives to it as a special mission to collaborate with other organs in designing strategies to prevent violations of Human Rights;

Considering also that the right to life lies among those rights that the Commission particularly monitors, whether cases are referred to it or upon own initiative as per the provisions of Article 59, Items (a) and (b) of the Internal Rules and Regulations of the National Commission for Human Rights;

The Commission carried out investigations on 14-18 August 2017, on 22-25 August 2017 and on 28-31 August 2017 in Rubavu and Rutsiro Districts in order to complement information obtained during the investigation carried out on 19-23 July 2017 to establish the truth on the allegations contained in the report produced in July 2017 by the independent human rights organization (Human Rights Watch) ;

The investigation targetted the Sectors of **Nyabirasi, Boneza, Manihira, Musasa, Kigeyo and Kivumu in Rutsiro District as well as the Sectors of Nyundo, Rugerero, Nyamyumba, Busasamana and Rubavu in Rubavu District.**

II. PURPOSE OF INVESTIGATION

- To establish the truth on the allegations contained in the HRW report entitled “All Thieves must be Killed” and find out whether any orders for extrajudicial executions have been given.
- to find out the methodology applied by HRW to gather the information contained in its report;
- To verify the information provided in the HRW report according to which some people were executed.

III. METHODOLOGY

Throughout its investigation, the Commission used the following data collection methods:

- Interviews with families whose members were reported killed, their neighbours and other members of the population holding information on them;

- Meeting and Interviews with local authorities (Village, Cell and Sector levels) of the location where reported killed persons reside;
- Interviews with Rubavu and Rutsiro Districts Mayors;
- Meeting with the District Police Commanders of Rubavu and Rutsiro Districts;
- Interviews with army Division Commanders for the Western Province;
- Interviews with Region Police Commanders for the Western Province;
- Interviews with the Reserve Force Commander for the Western Province;
- Access to all minutes of different meetings held on the dates referred to in the HRW report and their copies;
- Photographs and videos where possible.

IV. EXECUTIVE SUMMARY

This report provides details of the investigation carried out by the National Commission for Human Rights pursuant to its mandate of monitoring the respect of human rights and the investigation on the situations that appear to raise human rights violations on the content of Human Rights Watch (HRW) report titled “All Thieves Must Be Killed”. It also describes the methodology employed by HRW throughout its investigation as well as comments and opinions of the population and local authorities in that regard. In addition, the report provides information on allegations of extrajudicial executions.

The HRW report alleges that in Rubavu and Rutsiro Districts, some people were killed because they were thieves, drug dealers, fishermen using illegal fishing nets referred to as *kangingiri*, as well as those who did not attend community work (Umuganda). The report also alleges that some victims were killed by the Army, Police, Reserve Forces and DASSO while others were killed by individuals following orders given by local authorities.

After investigations, the Commission found that:

- Seven people reported executed in the HRW report are alive and these include: Nsanzabera Tharcisse, Majyambere Alphonse, Nyirabavakure Daphrose, Karasankima Jovan, Habyalimana Elias, Nzamwitakuze Donati and Hanyurwabake Emmanuel;
- Four people allegedly killed in the report died of natural diseases. These are: Uwintwali Thaddé, Kanyesoko Jean, Habimana Innocent, Ntiriburakaryo Jean Damascène;
- Six people died as a result of various accidents although HRW reports that they were executed by the Army, Police or DASSO officers. They include: Bihibindi Jean de Dieu, Minani Samuel, Bazangirabate Amurani, Ntakingora Djuma, Renzaho Vedaste, Ntamuhanga Emmanuel;
- One person was reportedly executed by an RDF soldier whose HRW alleges was not prosecuted but the Commission found out that the perpetrator was prosecuted and sentenced to 10 years in prison. The victim’s name is: Nzitakuze Emmanuel;

- Two people were reported by HRW to have been killed by individuals on orders from authorities, but the Commission established that the perpetrators were prosecuted and sentenced by courts as they committed the offence on their own capacity. These include: Barayavuga Jean Claude and Uzamutuma Théoneste;
- There are 10 people reported to have been executed, but who are unknown to local authorities and residents of administrative entities indicated in the HRW report. These people are: Mbarushimana Innocent, Ntahondereye Jean Damascène, Niyigena Emmanuel, Nzabandora Ndayishimiye, Hakuzimana Basabose, Nteziriza Naftal, Buhagarike François, Bemeriki Alexandre, Habiyaremye Jean de Dieu, Nshimiyimana Vincent;
- The allegation that 10 people reported by HRW to have been executed by the Rwanda military or police officers after being accused of theft – on orders according to which all thieves must be killed – was found to be untrue. At different times, these individuals were shot while crossing the Cyanzarwe Valley from the DRC at night and refusing to stop while ordered to do so. The valley is a pathway usually used by FDLR elements to cross into Rwanda and disrupt security. Local authorities have warned residents not to cross the valley during the night for security purposes. These people include: Tuyishime Ernest, Nirere Jeanine, Niyonzima Benjamin, Nshimiyimana Innocent, Rukundo Fulgence, Gasore, Iradukunda Prosper, Mukeshimana Joseph, Hakizimana Pierre, Muke Flavien alias Basare.

In this report, the National Commission for Human Rights also presents its own findings on the notion contained in the HRW report that “ **All Thieves must Be Killed**” implying that the directive came from local authorities . The Commission accessed minutes of security meetings held on dates indicated in HRW report in Rubavu and Rutsiro Districts, during which it is alleged orders that all thieves must be killed were given. In these minutes, the Commission did not find mention of any authority giving these orders.

Based on the content of these minutes of these meetings, and also on testimonies from local residents and authorities of Rubavu and Rutsiro Districts, the Commission concludes there were no orders that all thieves must be killed as reported.

In its own investigations, the Commission finds serious inaccuracies as well as methodological flaws in HRW approach to collect information because in some cases, witnesses had to be paid for testifying.

Furthermore, since the HRW report does not, in many instances, ascertain the entity responsible for alleged violations ; which is in itself problematic in as much as there is no evidence to support them, the Commission is of the view that such approach aims at creating confusion in institutions to which the report is submitted as it is very difficult to investigate on the facts reported by HRW when there is a doubt on the organs or institutions mentioned in the report.

V. FINDINGS

1. ESTABLISHING THE TRUTH ABOUT THE CONTENT OF THE HRW REPORT ENTITLED “ ALL THIEVES MUST BE KILLED”

The Commission carried out investigations on the content of the HRW report entitled “ All Thieves must Be Killed” to ascertain its origin and opinions of authorities and population in this regard. The Commission found out that there was no single authority who called for all thieves to be killed in any meeting; as much as even the HRW report acknowledges that authorities that were contacted had no knowledge of such directive and as such,; the report built only on the information collected from local population.

The Commission contacted the residents of Busasamana and Nyamyumba Sector who confirmed they often attended meetings convened at the Sector level but there was no order from authority to kill every thief.

The Commission held discussions with 11 Executive Secretaries in 11 Sectors of Rubavu and Rutsiro Districts and these authorities indicated that no such meetings were held and that in most of the time, meetings are aimed at mobilizing the population on their participation in security initiatives, household conflicts prevention and exchanging information about various Government programmes.

The Commission accessed minutes of security meetings held on dates indicated in HRW report in Rubavu and Rutsiro Districts, during which it is alleged orders that all thieves must be killed were given. In these minutes, the Commission did not find any mention of any authority giving these orders.

Based on the content of these minutes of these meetings, and also on testimonies from local residents and authorities of Rubavu and Rutsiro Districts, the Commission is of the view that there were no orders that all thieves must be killed as reported.

2. ASCERTAIN THE METHODOLOGY USED BY HRW TO COLLECT INFORMATION CONTAINED IN ITS REPORT

During its investigations, the Commission learnt that a Researcher in Africa Division of HRW called LEWIS Mudge visited Boneza Sector, in the Rutsiro District on 6 July 2017 and met with NIRERE Etienne, the Executive Secretary of Boneza Sector (as indicated on P.37 of HRW report). He presented a book containing a list of the people from his Sector that were reportedly killed and asked him whether he had any information about it.

The Executive Secretary wrote down the list and responded that he had no information on these cases but that he was going to look into the matter. The researcher left him with his ID card and told him he would come back two weeks after, but he did not do so. He instead included their discussions in the report that HRW published and submitted to the Ministry of Justice on 5 July 2017 (as indicated on p.51).



This Lewis Mudge's ID Card that he left with the Executive Secretary of Boneza Sector

The Commission finds serious methodological flaws in HRW approach to collect information because in some cases, witnesses had to be paid for testifying. It is also questionable how HRW first submitted the report to different institutions, including the Ministry of Justice while it was still correcting supplementary information.

Example:

The Commission met with local residents including NYIRAMARAZA Consessa and NYIRAREKERAHO from Nyundo Sector who indicated that an individual by the name of Jeanne from Bahimba Village called them and arranged their meeting with another person named Jean de Dieu. She told them that some people in Musanze District would like to meet with them, assuring that the transport cost would be refunded. While in Musanze District, they met with the white persons who asked them about the death of BARAYAVUGA Jean Claude. After the meeting, they were given money and went back home.

The Commission finds it questionable such information collection method, whereby individuals are paid in exchange of money, because there witnesses can provide false information for personal gains; and more so when investigations are not carried out near the alleged crime seen to include as many witnesses as possible.

➤ HRW REPORT CONTAINS INFORMATION WITH DOUBTS

In the HRW report, it is alleged that some victims were killed either by soldiers or police officers; the report does not specifically ascertain the entity responsible for such crimes; which is in itself problematic in as much as there is no evidence to support such allegations.

The Commission is of the view that such approach aims at creating confusion in institutions to which the report is submitted as it is very difficult to investigate on the facts reported by HRW when there is a doubt on the organs or institutions mentioned in the report. More so, such information aims at creating alarm and tarnish the image of the Country, whereby some Organs and Institutions may believe in it.

➤ HRW REPORT CONTAINS FALSE IDENTIFICATION

During its investigations, the Commission established that HRW report referred to persons who are either not recognized by residents stated in the report or provided wrong identification, including using false names. As a result, the Commission is of the views that the information contained in the HRW report is not trustworthy as it becomes difficult for anyone wishing to investigate or make further inquiry because wants to establish the truth on the report.

Below are some examples:

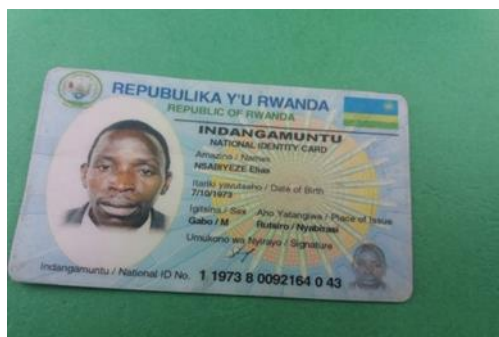
1. HAKIZIMANA Pierre and BIZAVAHO Pierre

On p.21, the HRW report stated that in Busuku Cell, Nyabirasi Sector in Rutsiro District, two persons were executed being accused of stealing a cow. However, the Commission found that this was not true because HAKIZIMANA Pierre nicknamed BIZAVAHO was considered by HRW as two different persons while both names refer to one person.

2. NSABIYEZE Pascal

The HRW report, P 44 states that NSABIYEZE Pascal, resident of Mubuga Cell, Nyabirasi Sector was arrested by DASSO on 15/09/2016, his body was found on 17-18/09/2016 and he was executed for stealing.

The Commission went in Mubuga Cell and met Village leaders, the Executive Secretary and the Executive Secretary of Nyabirasi Sector. They confirmed that the person with the name of Nsabiyeze Pascal was not a resident of that Sector, but they said that they recognised a person called NSABIYEZE Elias residing in Mpati Village, Ngoma Cell, the holder of the ID card displayed here below and that he was alive. The delegation of the Commission met that person.



This is the ID Card of NSABIYEZE Elias

Based on the information got from local authorities of Nyabirasi Sector, the Commission concludes that the HRW report mistakenly mentioned NSABIYEZE Pascal instead of NSABIYEZE Elias, since the NSABIYEZE bearing “Pascal” as the first name is unknown in that Sector.

3. INVESTIGATION INTO THE ALLEGED EXECUTIONS REPORTED IN THE HRW REPORT

According to the investigation carried out by the Commission, it was found out that a number of persons were reported dead while still alive. Some of them reported killed died due to diseases.

The same report accounts for another person executed by RDF soldiers while he had been killed by Congolese soldiers. HRW also reports cases of RDF soldiers that killed civilian and went unpunished. The Commission found out that the suspect was tried and convicted of murder and he is serving his sentence in jail. For persons reportedly killed by civilians, culprits were prosecuted and sentenced. There are other cases of persons reportedly killed, which the Commission found they are unknown to local authorities and residents of administrative entities indicated in the HRW report

CASES OF PERSONS ALLEGEDLY KILLED WHEREAS THE COMMISSION FOUND THEM ALIVE

The Commission found seven people reportedly executed in the HRW report are alive. The Commission team met one on one with two of them and learned as well that another one had relocated to Ngororero District, two others were living in Congo, and one went to Belgium while another one is living in Uganda.

1. NSANZABERA Tharcisse

The HRW report says that NSANZABERA Tharcisse from Bahimba Cell, Nyundo Sector was last seen on 17/10/2016 and the authorities confirmed his death on 28/10/2016. The report classified NSANZABERA Tharcisse in the category of persons who disappeared and got executed thereafter.

The Commission met HAKIZIMANA Faustin, the Leader of Buhozi Village who confirmed that NSANZABERA Tharcisse was in jail in Nyakiriba correctional facility where he is serving a sentence after being convicted of stealing a cow.

The Commission went to Nyakiriba Prison and met NSANZABERA Tharcisse. He declared that he was convicted and jailed in 2016 for stealing a cow. The Commission accessed the file N° RP0138/16/TB/NYABA of the court decision rendered on 9/3/2017 sentencing NSANZABERA Tharcisse for theft.

Bearing in mind the findings of its investigation, the Commission finds out that the statement of the HRW according to which NSANZABERA Tharcisse disappeared and got killed later on, is baseless as he (NSANZABERA Tharcisse) is alive and is serving his sentence in the Nyakiriba Prison.

2. MAJYAMBERE Alphonse

On page 44 of the HRW report, it is stated that MAJYAMBERE Alphonse was arrested and executed by the Police or DASSO for stealing cows. According to the report, he lived in Nyagahinika Cell of Kigeyo Sector.

In a meeting with the Commander of Kivumu Police Station, the Commission was informed that MAJYAMBERE Alphonse was alive and that he lives in Bweramana Village, Kabihogo Cell, Boneza Sector, in Rutsiro District.

The Commission Team went to his Village and met his wife Mrs Mukangoga Suzanna who told them that his husband was alive and that he had never been a fisherman. The leader of Bweramana Village certified to the Commission that Majyambere, a 65 years old man is a person of integrity used to be a Cell leader before 1994 and that he had never been involved in theft. The Commission met Majyambere Alphonse himself and he was surprised to hear he was reported dead.



A picture of MAJYAMBERE Alphonse taken by the staff of the Commission on 16/08/2017 who met him in Bushaka Cell where he resides while HRW reported that he died on 22/09/2016.

NOMERO Y'UMUNYAMURYANGO
320108123

ICYICIRO CY'UBUDEHE:
3

ITARIKI Y'AMAVUKO: 1953

N° CI: Mayyambere Alphonse

Amazina: Mayyambere Alphonse

AHO ABARIZWA: Ouest

INTARA: RUTSIRO

AKARERE: BONEZA

UMURENGE: KAGARI

AKAGARI: KAGARI

AGASHAMI: KAGARI

IZINA RY'UHAGARARIYE URUGO: Mayyambere Alphonse

NOMERO Y'IRANGAMUNTU Y'UHAGARARIYE URUGO
119532002089508

SECTION KINUNU
DISTRICT RUTSIRO

Année	Igihe yishyuye umusanze	Igihe yagiriye agaciro
2016		
2017		
2018		
2018		
2019		
2019		
2020		

This is the community-based health insurance card that **MAJYAMBERE Alphonse** acquired on 01/08/2017 whereas HRW confirmed that he died on 22/09/2016

The Commission finds that the HRW report allegation about MJYAMBERE Alphonse is factually incorrect as its team met and took photographs of the alleged victim and his identification details as displayed above.

3. NYIRABAVAKURE Daphrose

HRW report, page 43 accounts for how Nyirabavakure Daphrose stole cassava on 10/8/2016, caught by DASSO who beat her to death.

According to the information got from the Commander of Kivumu Police Station, Nyirabavakure Daphrose used to live in the Kigeyo Sector with her husband [who was a disabled] and she later left him for another man with whom she used to live on Bugarura island located in Boneza Sector, and they relocated to Congo afterwards. He informed the Commission that the couple had been there for three years.

4. KARASANKIMA Jovan

On page 22 of the HRW report, KARASANKIMA Jovan residing in Ngoma Cell, Nyabirasi Sector in Rutshiro District is said to have been killed between 28 and 29/11/2016 for stealing a sheep.

The Commission met with the Executive Secretary of Nyabirasi Sector who declared that KARASANKIMA Jovan was alive but that he moved to Ngororero District where he keeps cattle of SEGAFUTA Thomas.

The Commission met Gaseke Village leader where he resettled and who confirmed that KARASANKIMA Jovan was indeed a resident of that Village.

Therefore, the Commission can ascertain that KARASANKIMA Jovan is alive and was not executed as reported in HRW report.

5. HABYALIMANA Elias

In its report, HRW mentions on page 48, HRW mentions that HABYALIMANA Elias was killed in Lake Kivu on 25/03/2017 by a soldier or a police officer because he was fishing with illegal net known as *Kaningiri*.

On 15/08/2017 the Commission went to Gabiro Cell, Musasa Sector to investigate the alleged death of HABYALIMANA Elias.

The Commission met MURWANASHYAKA Celestin and RUCOGOZA Etienne who declared that HABYALIMANA Elias used to live in Nyarubuye Cell in Muhororo Village and relocated to Murambi Village, Nyarubuye Cell because his home was less than 50 metres closer to the Lake.

The Commission went to his home and met with his wife NIKUZE Pelagie. She told the Commission that her husband stays in Belgium since 2009. The information was confirmed by his father Ngwije Samson residing in Muhororo Vilage, Nyarubye Cell in Musasa Sector.



The photograph of HABYALIMANA Elias who currently lives in Belgium

Since the wife of the alleged victim wife, his father, his relatives and neighbours all confirmed that he is well alive and lives in Belgium, the Commission believes that information provided by HRW about HABYALIMANA Elias is incorrect.

6. NZAMWITAKUZE Donat

On page 47 of the HRW report, it is alleged that NZAMWITAKUZE Donat who lived in Haniro Cell, Manihira Sector in Rutsiro District was executed on 11/01/2017 by the military for stealing a motorbike.

The Commission went to Manihira Sector, Haniro Cell to investigate the death of the alleged victim and found out he was living in Muyira Village, Haniro cell in Manihira Sector. The Leader of Muyira Village said

that NZAMWITAKUZE Donat was a resident of his Village and nicknamed himself Sinayobye when he was still a student at secondary school in Rubavu District.

He went on explaining that he had built a house in Muyira Village, Haniro Cell and thereafter sold it together with the whole plot of land, to migrate to Uganda where his father in law lived and that whenever he comes back to Manihira Sector, he stays at his mother's home.

The Commission looked for further information and met with the elder brother to NZAMWITAKUZE Donat called NTIRENGANYA Elias. He also confirmed that his young brother was living in Uganda together with his wife.

The Commission therefore believes that NTIRENGANYA Elia is alive, contrary to what is reported by HRW, as confirmed by his elder brother and the Leader of the Village he used to reside.

7. HANYURWABAKE Emmanuel

The HRW report states on page 47 that HANYURWABAKE Emmanuel was killed towards the end of 12/2016 by RDF soldiers for fishing with illegal net commonly known as *kangingiri*.

The Commission met Executive Secretary of Bushaka Cell and the leaders of villages surrounding Bugarura Island. According to them, HANYURWABAKE Emmanuel was also known as MISHOGORO resided in Bikono Village, Bushaka Cell. In 2015 he went to Iwawa island with a small boat and helped two boys to escape. Those were HABIMANA Evariste originating from Ngororero District and NIYIBIZI JMV originating from Muhima Sector in Nyarugenge District in collusion with their parents.

When both boys went missing, it was later revealed that HANYURWABAKE Emmanuel helped them to escape. Then, the Police summoned him but he didn't report, instead he fled to Congo and he is believed to be living on Ijwi Island where his mother lives as well.

Talking to the Commission, his wife Nyiransanzubuhoro Seraphine living in Bikono Village, Bushaka Cell, Boneza Sector in Rutsiro District, declared that the Head of the Village alongside police officers came to arrest him for helping two boys to escape from the Iwawa Rehabilitation Centre but in vain.

The Commission deems the information released by the HRW untrue as it totally contradicts with the declarations of leader of the Village where he resided and those of his wife NYIRANSANZUBUHORO Seraphine who denied that his husband would have died.

- **PERSONS REPORTED EXECUTED IN THE HRW REPORT WHILE THEY DIED OF DISEASES**

The Commission found out that 4 persons among them died of diseases as confirmed by their families. Moreover, some of them had died long before. During its investigation, the Commission learned that one of them died in 1999 and others in 2005, 2013 and 2016 respectively.

1. UWINTWALI Thaddée

The HRW report says on page 24 that UWINTWALI Thaddée was killed on 13/12/2016 by soldiers for stealing a goat. The same report states that 5 soldiers arrived to his home in the evening, and summoned

him outside into the courtyard with them, thereafter his relatives found his body on the roadside nearby his home shot through the chest.

The Commission met the wife of UWINTWALI Thaddée called MUSABYEMARIYA Jacqueline residing in Muramba Village, Bushaka Cell, Boneza Sector in Rutairo District, and works in Kinunu health centre as peer educator. She declared to the Commission that UWINTWALI Thaddée was his husband and son to Murindahabi Francois and Nyirabanage Merciana living in Murambi Village, Bushaka Cell, Boneza Sector in Rutsiro District and that he died 25/9/1999 of disease.

She also confirmed that he was the manager of Petrorwanda in Gisenyi before the Genocide, before Petrorwanda, he had worked for Rwanda Commercial Bank (BCR). She said that his husband was a decent person and that she couldn't understand how people reported that he was executed over stealing a goat.

The Commission also met the younger brother to UWINTWALI Thaddée named Ndayishimiye Vedaste who confirmed that his brother died in 1999 of an illness. Nzabonimpa Jean, the second husband of Musabyemariya Jacqueline and Mbonyinshuti Augustin the former neighbour of UWINTWALI Thaddée who participated in his funerals, both met the Commission team and confirmed that information.

On 28/7/2017, the parents to UWINTWALI Thaddée, his brethren and one of their neighbours addressed a letter to the Commission denying and refuting the information dispatched by an unknown person according to which he had been killed by Rwanda soldiers.

Umubonye : MURAMBI
Akagari : NKIRA
Umurenge : BONEZA
Akarere : RUTSIRO
Intara : Ouest

MURAMBI 02810712017

Kuri Komisiyo y'ubwenganzira kw' ibiremwa nya muntu

IMPAMBU : Guhakana tubeshyuzwa no kwamagana amakuru yatanzwe n'umuntu tutazira avuye ku UWINTWARI Thadeo yishwe na basirikari ba leta y'urwanda

Nkuko biri UWINTWARI Thadeo yaravuye ayanura kuva muganga kuri centre de Soire. Kivuye azeze aremba cyane aravurira muganga SHADARAKE wahabwaga amashuri na tumuoyura mu ngo azeze mu ngo umubika umushyamba. icyo gihe hari 02/09/1999

umuryango insuti n'abavandimwe badufasha kumushyirya mu ngo byo biravurako y'bye ibene nukubeshya no muri bereho ye ntabwo yigeze yiba.

Turasaba ko uwo muntu adutangira ibirego twabwese tutazira ya kumukira nwa namategeko

Abatanzwe nya makuru :

- ise umubonye : MURINDAHABI Francois Mpanumbe 0788965521
- nyina umubonye : NYIRABANAGE Manziyana
- umugore bakanaga : MUSABYEMARIYA Jacqueline
- umwandimwe w' : NDAYISHIMBE Vedaste
- umwandimwe w' : KUBWAMUNGU J.M.V.
- umuturanyi w' uko : NTIRENGANYA J. Domaslene

umwanditsi : KUBWAMUNGU J.M.V.

[MURAMBI Village

NKIRA Cell

BONEZA Sector

RUTSIRO District

Western Province

July 28, 2017

To the National Commission for Human Rights

Re: Refutation, denial and rejection of information provided by an unknown person saying that UWINTWARI Thaddée was killed by Rwanda military

The truth is that UWINTWARI Thaddée got sick and went to KINUNU Health Centre. When he arrived there, his illness became worse. After receiving medical treatment from Dr. Schadrack, we took him home. When he got home, he died. It was on 25/09/1999. Friends and family helped us in burying him.

The information according to which he stole a goat is false; he never stole in his lifetime.

We request that the person who filed a complaint on our behalf without prior our knowledge be prosecuted.

Informants:

His father: MURINDAHABI Francois, Murambi, 0788965521

His mother: NYIRABANAGE Marisiyana

His wife: MUSABYEMARIYA Jacqueline

His brother: NDAYISHIMYE Védaste

His brother: KUBWAMUNGU J.M.V.

A neighbor who knows what happened: NTIRENGANYA J. Damascene

Secretary: KUBWAMUNGU J.M.V.]

This is the copy translation of a letter that the members of the family of UWINTWALI Thaddée wrote to the National Commission for Human Rights to deny the information reported by HRW.

In view of the above, the Commission the Commission is of the view that information provided by HRW on UWINTWALI Thaddée is devoid of any truth since his wife, his relatives and neighbours attest that he died of illness on 25/9/1999.

2. KANYESOKO Jean

On page 19-29 of the HRW report says, it is alleged that on 2/8/2016 KANYESOKO Jean from Kavomo Cell, was caught stealing sugarcane and beaten to death by soldiers.

On 14/8/2017, the Commission met with the younger brother of KANYESOKO Jean called KARUMUNA Alphonse, residing in Kinihira Village, Kavomo Cell, Nyundo Sector, Rubavu District who declared that KANYESOKO Jean died from stomachache in 2016 at Gisenyi Hospital when he was 60 years old.

The Commission also met with HATEGEKIMANA Jean who said that KANYESOKO Jean was one of their family member, that he died from stomach disease and that they cared for him when he was sick. After his death, he was buried in their land and immediately declared dead in the civil status records according to legal provisions.

The Commission also talked to the leader of Kinihira Village and the Executive Secretary of Kavomo Cell who both confirmed this information.

Basing on its investigation, the Commission finds out that HRW did not report the truth because HRW alleges that KANYESOKO Jean was killed by security forces while the Commission found out that he died from disease according to the testimony of his family members.

3. HABIMANA Innocent

HRW report alleges on p.48 that HABIMANA Innocent was killed on 17/2/2017 in Rubona Cell, Nyamyumba Sector for fishing with illegal net.



These documents prove that Habimana Innocent was a Marine Forces soldier who died in 2013.

The Commission met with NTABANGANYIMANA Cécile, who was legally married to HABIMANA Innocent and with whom she had three children. She explained that HABIMANA Innocent got sick in 2013 and went for further care in Kamembe at a place called Rusunyi. NTABANGANYIMANA Cécile reports that she went with her children to visit HABIMANA Innocent and found him seriously ill. When she asked him to take him to the hospital he refused and subsequently died in her presence on 11/5/2013 (see death certificate above).

She added that HABIMANA Innocent has never been a fisherman and that he instead has been a member Marine unit of Rwanda Defence forces for 8 years. She took advantage ask the Commission to make a follow up o her behalf for the disbursement of husband's pension scheme benefits that she does not receive.

In view of the above, the Commission concluded that the allegation regarding the death of Habimana Innocent is false on ground that he has never been a fisherman, but also died of illness.

4. NTIRIBURAKARYO Jean Damascène

On page 43 of the HRW report, it is alleged that NTIRIBURAKARYO Jean Damascène from Burinda Cell was shot dead by soldiers on 30/7/2016 for being absent at Community work *Umuganda*.

On 22/8/2017, the Commission went to Bubaji Village, Burinda Cell and met with some relatives of NTIRIBURAKARYO Jean Damascène, including BIZIMUNGU Pascal, the Village leader and young brother to him.

According to BIZIMUNGU Pascal, NTIRIBURAKARYO Jean Damascène died at the age of 40. He was imprisoned for the crime of genocide against the Tutsi, confessed his crime and was released in 2003, following a presidential pardon. Afterwards, he died in 2005 following a long illness at Murara Health Center. He was buried in the cemetery of Rubavu Sector.

NYIRARUKUNDO Valérie testified that she knew the alleged victim and confirmed he was imprisoned, and died sometimes after his release following illness. She told the Commission that he died in the presence of BARANSARITSE Jean Pierre and DUSANABAVANDIMWE Joseph.

The Commission met with DUSANABAVANDIMWE Joseph who said that NTIRIBURAKARYO Jean Damascène was his uncle, that he died from illness and that he was not married. He further said that he had no child so that some of his properties were shared among his family members while others were used to compensate the victims of the crimes he committed during the genocide against the Tutsi back in 1994.

In view of the above, the Commission finds HRW allegations that NTIRIBURAKARYO Jean Damascène was killed by soldiers to be false.

- **PERSONS REPORTED KILLED BY HRW WHILE THE COMMISSION FOUND THAT THEY DIED DUE TO ACCIDENTS**

There are six cases mentioned in the HRW report, alleging that people were killed by the soldiers, the Police officers, DASSO , the reserve force (Inkeragutabara) or the individuals. However, the investigation of the Commission documented that the six persons mentioned were killed due to different accidents including accidents in Lake Kivu; and one person who fell from a bridge into River Sebeya.

1. BIHIBINDI Jean de Dieu

On page 43 of the HRW report, it is alleged that BIHIBINDI Jean de Dieu was killed on 09/09/2016 and that his body was found on 11/09/2016. The report states that he was arrested by DASSO and then killed for stealing a cow.

On 14/08/2016, the Commission went to Ngoma Cell in Nyabirasi Sector and met with his wife NYIRABABWIRA Felicita and his close relatives namely: NYIRABIZIMANA Consolata, NDAYAMBAJE Evaritse, NDAGIJIMANA Anastase, NGIRUNSHOREYE Athanase and HASHIMUMUTIMA Liberatha.

They declared that BIHIBINDI Jean de Dieu left his home on Sunday 09/09/2016 when he went to pay visit to his daughter called MUKAMUZIMA. After the visit, he shared beer with RUCEKERI called BAGARAGAZA and they left one another late in the night. When his wife went two days without seeing him together with her family, they began to look for him and found his dead body at Sebeya River.

His family informed the Executive Secretary of Nyabirasi Sector and the Police of the Sector about the found the discovery of the body and asked for the authorization to take him to Rubavu hospital for autopsy. The autopsy results attested that the death was a result of the fall when the victim slipped on the bridge and fell into the river. Family members aid they buried him, adding that BIHIBINDI never stole a cow as alleged in the HRW report .

Also the Executive Secretary of that Sector told the Commission that BIHINDI walked late in the night, slipped on the bridge and fell into Sebeya River. Basing on the information received from both BIHIBINDI family and the Executive Secretary of the Sector , the Commission finds that they all agree that he slipped on the bridge and fell into Sebeya River therefore the HRW information according to which he was killed for stealing a cow is baseless.

2. MINANI Samuel

According to the HRW report on p.46, MINANI Samuel was executed by Rwanda soldier or police for fishing with illegal net called "*kaningiri*".

The Commission team went to Bushaka Cell in Boneza Sector where they met the Executive Secretary of Bushaka Cell and the leader of Bikono Village. They informed the Commission that MINANI Samuel is actually called MINANI Yamweli, that he resides in Bikono Village, Bushaka Cell and that he is the son to BAGIRAMENYO and NYIRANDARUHUTSE.

According to them, in December 2016, he went fishing alone in Lake Kivu when storm struck and drowned in the lake.. His body was found at the edge of the lake on 19/12/2016 and thereafter his family buried him.

Considering the information received from the local authorities of Bikono Village, the Commission concludes that the information reported by HRW is false since it does not clarify or details the situation surrounding the death of MNANI Samuel, includng his killer. The Commission can confirm that MINANI was killed neither by the soldiers nor by police as HRW reported, but drowned in the lake due to storm. ,

3. BAZANGIRABATE Amulan

On page 17 of HRW report it is stated that BAZANGIRABATE Amulan was shot dead by Rwanda soldier or police end December 2016 of fishing with illegal net called "*kaningiri*".

The Commission went to Bushaka Cell in Boneza Sector and ment with the authorities of Bushaka Cell and the leaders of villages in Bugarura island. They informed the Commission that BAZANGIRABATE Amulan aged 22 is son to RUTAVOGERWA Musa and NYIRANSEKANAKABUZE Towa, and was resident of Rutagara Village in Bugarura island.

They also said that he went to fish in December 2016 around 5:00 and 6:00 with his two friends NIYOMUGABO and DUSINGIZIMANA Patrick. Then due a strong wind, in a small boat full of small fish

(*isambaza*), the boat overturned and two people died on field namely NIYOMUGABO and BAZANGIRABATE Amulan.

DUSINGIZIMANA Patrick the cousin to BAZANGIRABATE Amulan survived and was rescued by a food supplier boat from Iwawa island, and took him to a place called *Brasseri* in Rubavu District, and he is the one who gave that testimony. However, the bodies of the both late could not be found.

For the Commission, the information published by HRW is false since, even if BAZANGIRABATE Amulan died, he was not killed by a soldier or police as mentioned in their report on the contrary they died due to an accident according to the testimony of the cousin of DUSINGIZIMANA Patrick who survived.

4. NTAKINGORA Djuma

On page 27-28 of the HRW rep, it is alleged that a 26-year-old NTAKINGORA Djuma was killed on 21/12/2016 by Rwanda soldiers while fishing with a friend in Lake Kivu.

On 30/08/2017, the Commission went to Bushaka Cell in Boneza Sector and met with different authorities in that Sector including the leaders of villages in Bugarura island, who told them that NTAKINGORA Djuma was resident of Bugarura Island in Bugarura Village and was son to HATWIBU Mahoro and NYIRABASIRIKARE Vestine. They also said he that he was in the second year of secondary school in "Nine Years basic Education".

In 2005, NTAKINGORA Djuma and his friends went to fish in the lake using illegal nets and they met a MINAGRI boat in charge of monitoring illegal fishing; his friends jumped from the canoe and swam unfortunatly NTAKINGORA Djuma was not able to swim so that he drowned as they did not find his body. And the problem is that illegal fishing is practiced during the night so that first aid is most of the time impossible.

Based on the information received from Bugarura Village Leader where NTAKINGORA Djuma was residing as well as those from population who confirmed that he died due to an accident, the Commission finds that the HRW report is not untruthful. because

5. RENZAHO Vedaste

On page 28-29 of the HRW report, it is stated that RENZAHO Vedaste was executed end of December 2016 by the soldier or police because he used illegal nets called "*kaningiri*" for fishing.

The Commission went to Bushaka Cell in Boneza Sector and met with authorities of Bushaka Cell and leaders of villages in Bugarura island confirmed that RENZAHO Vedaste, nicknamed Gahinja, was a resident of Bugarura Village in Bugarura island, was son to GAKURU Malingolo and NTAMWIRA and was living with his elder brother, BAZIRAMWABO Theodore who was a pastor who upbrought him since his parents died when he was still very young.

It was confirmed that he went to fish with MUSABYIMANA Sadiki in June 2014 and when they saw a military patrol boat, Sadiki jumped into water and swam while RENZAHO Vedaste stayed in the canoe since he did not know how to swim; he then drowned.

RENZAHO Vedaste wa therefore not killed as reported in the HRW report, but died due to drowning.

6. NTAMUHANGA Emmanuel

On page 48 of the HRW report, it is stated that NTAMUHANGA Emmanuel was executed on Lake Kivu in March 2017 by soldiers or police for fishing with illegal nets called “*kangingiri*”.

The Commission went to Bushaka Cell in Boneza Sector and met with authorities of Bushaka Cell and leaders of Villages in Bugarura island who confirmed that NTAMUHANGA Emmanuel was a resident of Rutagara Village in Bugarura island and was son to MVUKIYEHE JMV also known as Sawa Sawa and RIRWANABOSE Viviana. In 2015, he went with DUSINGIZIMANA Patrick to fish. While fishing, a military boat passed by and , NTAMUHANGA Emmanuel jumped into the water fearing they were to be arrested. His friend stayed in the canoe.

DUSINGIZIMANA Patrick said that the military boat continued and he also continued fishing thinking that NTAMUHANGA Emmanuel has been able to swim and cross to the shore. However, when he went home he went to see if Ntamuhanga Emmanuel arrived home only to learn that he did not get back home. They tried to look for his body but in vain.

The Commission that the information published by HRW is baseless since NTAMUHANGA Emmanuel was not killed by soldiers or police as reported because DUSINGIZIMANA Patrick who was with him confirmed that he died due drowning.

- **A PERSON WHOM THE COMMISSION FOUND WAS EXECUTED BY CONGOLESE SOLDIERS**

1. TUYISENGE Moïse

On page 50 of the the HRW Report, it is alleged that Tuyisenge Moïse was shot by the military or police while fishing with illegal nets.

The Commission went to Bukiro Village, Karambi Cell, Kivumu Sector, Rutsiro District, and talked to the Cell’s Executive Secretary who declared to the Commission that Tuyisenge Moïse and his 3 fellows were going to steal *Sambaza* fish nets in DR Congo, and 2 of them were shot dead while the third person whose name is o Nsanzirazose Fabrice was arrested.

The Commission also met with Nsanzirazose Fabrice son of Munyakazi Simon and Nyirabagenzi Patricie, a resident of Bukiro Village, Karambi Cell, Kivumu Sector, Rutsiro District, who told them that they were 3 Tuyisenge Moïse a.k.a Gisore son of Parmehutu and Uzamukunda Gaudence, residents of Bukiro Village, Karambi Cell, Kivumu Cell, Rutsiro District and Nizeyimana Yahaya a.k.a Pucingi. He added that they went in DR Congo to steal *Sambaza* fish nets unfortunately the Congolese soldiers shot at them Lake Kivu while they caught, arrested him and detained him in Congo and after 4 months on 7/8/2016 they handed him over to the Rwandan soldiers at “*Grande Barrière*”.

The Commission finds that TUYISENGE was not executed by the Rwandan soldiers or police when he was fishing with illegal nets as reported by HRW. He was instead shot by the Congolese soldiers when he unknowingly crossed to DRC waters to steal *Sambaza* fish nets as confirmed by Nsanzirazose Fabrice who survived the incident.

- **A CASE OF ONE PERSON REPORTED IN THE HRW REPORT TO HAVE BEEN KILLED BY SOLDIERS AND THE PERPETRATOR WAS NOT PROSECUTED**

HRW reports that one person was killed by Rwandan soldier and the later was not prosecuted. During its investigation, the Commission found that the perpetrator in question was tried and sentenced to 10 years of imprisonment.

1. NZITAKUZE Emmanuel

On page 16 of the HRW Report, it is alleged that NZITAKUZE Emmanuel was executed by the soldiers on 11/01/2017 after stealing a motorcycle.

While investigating the circumstances surrounding the death of NZITAKUZE Emmanuel, the Commission went to his residence and met with his wife called UBITSEMUNDA Agnès who said that during the night of 10/01/2017, a certain MURWANASHYAKA met her at home and informed that her husband was caught in possession of a motorcycle of NAMBAJIMANA Charles which was lost some time ago. Later on, she learnt that her husband was shot by a certain NKURUNZIZA François.

The Commission also met with Muyira Village Leader in order to establish the truth on that information, and whether the perpetrator was prosecuted. The Village leader told the Commission that NZITAKUZE Emmanuel was shot by a certain NKURUNZIZA François who was on duty in Rutsiro District, Manihira Sector, and since then the soldier disappeared from Manihira Sector. Later on, the Commission learnt that Captain NKURUNZIZA François was tried by a military court and was sentenced to 10 years of imprisonment.

The Commission accessed NKURUNZIZA François's criminal case file at the Military Prosecution Department and ascertained that he was properly tried and the military high court sentenced him to 10 years of imprisonment.

The Commission also is of the view that perpetrator committed that offence in his own capacity and there was no institutional responsibility. He is serving his jail term at Mulindi Military Prison.

- **PEOPLE REPORTED TO HAVE BEEN KILLED BY LOCAL RESIDENTS UNDER ORDERS FROM AUTHORITIES**

In its report, HRW alleges that there are local residents who received orders from local authorities to kill any person caught stealing.

During its investigations, the Commission received testimonies from local residents and authorities of Rubavu and Rutsiro Districts to ascertain the origin of such orders. The Commission concluded there were no orders that thieves must be killed as reported.

1. BARAYAVUGA Jean Claude

Page 31-32 of the HRW Report contains allegation that BARAYAVUGA Jean Claude, a mental disabled person who was aged 19, a resident of Kavomo Cell, was killed by residents on orders from local authorities on 27/4/2017, for stealing a light bulb upon.

The Commission met with NYIRAMARAZA Consesa, the mother of BARAYAVUGA Jean Claude together with his aunt NYIRAREKERAHO Eugenia, who said that BARAYAVUGA had died at the age of 20.

On 27/4/2017, he went to Rutsiro District, to collect his clothes from BICAMUMPAKA Baltazar who had a sewing business. As he arrived there, he found that his clothes were not ready, then he picked 2 solar bulbs that were outside Bicamumpaka's house. BICAMUMPAKA Baltazar chased him away asking him to bring back his bulbs so that he can have his clothes sewn. On his way, he remembered he had left his sewing machine outside then had to come back but called a certain NTIRIVAMUNDA JMV (Gifarur) for help in chasing Jean Claude. When he came back to see BARAYAVUGA Jean Claude he found that NTIRIVAMUNDA JMV had killed him with a long metal stick.

The Cell's Executive Secretary informed the Commission that upon hearing the information pertaining to the death of BARAYAVUGA Jean Claude, they immediately asked the police to intervene and arrested NTIRIVAMUNDA JMV (Gifarur). The perpetrator's file is registered under the criminal case 00428/IPRL/RUB/2017/JBK 00584/DIC/017 and DFA 00353/IPRC RUB/2017/OBK. He is now detained at Nyakiriba Prison.

NYIRAMARAZA Consesa mother of BARAYAVUGA Jean Claude, informed the Commission that BARAYAVUGA Jean Claude had conflicts with NTIRIVAMUNDA JMV; reason why he killed him, because when BICAMUMPAKA Baltazar arrived at the scene of crime he told NTIRIVAMUNDA JMV that all what he needed from him was help and not to kill him.

The Commission learnt that a certain NTIRIVAMUNDA JMV a.k.a Gifarur son of MUNYARUGERERO Sebuzene and NYANZIRA Gliseliya, was detained at Rubavu Prison. The Commission met with him and he showed them a copy of judgement N^o RDP00173/2017/TGI/RBV. He is suspected of killing as the medical report indicated that BARAYAVUGA Jean Claude's skull was broken. The Intermediary Court sentenced him to a provisional detention of 30 days on 3/8/2017. The Commission asked him about the date of the hearing on the merits, and replied he did not know. NTIRIVAMUNDA JMV, told the Commission that even though he was suspected of that crime, no authority has ordered him to do so.

Based on its investigations, the Commission finds that NTIRIVAMUNDA JMV who is suspected of the death of BARAYAVUGA Jean Claude was arrested and detained provisionally while waiting the trial on the merits. The Commission further finds that the statements contained in the HRW Report that local authorities issued orders to kill BARAYAVUGA Jean Claude, are not true as confirmed by NTIRIVAMUNDA JMV, a.k.a Gifarur, who is the main suspect in the case.

2. NZAMUTUMA Théoneste

On page 49 of the HRW report, it is alleged that NZAMUTUMA Theoneste, a resident of Rukondo Cell, was killed by citizens on 15/8/2016, on orders from local authorities.

On 14/8/2017, the Commission went to Kanyamisuku Village, Rukondo Cell, Nyundo Sector, where they met with NDAZIRENGEYE Vincent, one of NZAMUTUMA Theoneste family members. He stressed that the really name of the alleged victim is UZAMUTUMA Theoneste, aged 27 at the time of his death. He was caught in Kanama while breaking into houses. He was beaten to death by citizens and Gisenyi hospital made an autopsy test for his body. After his death, 20 suspects were arrested and detained at Kanama Police Station but they were later released due to lack of evidence.

The Commission also met with SIBOMANA Joseph, brother to UZAMUTUMA Théoneste, who informed that apart from breaking in houses, his young brother was a cattle rustler.

In its investigations, the Commission has learnt that no local authorities gave the order to kill UZAMUTUMA Théoneste.

Based on its investigations, the Commission finds that UZAMUTUMA Théoneste was killed by residents of Kanama Sector, where he relocated and later caught breaking in house and then beaten to death by locals. Local population told the Commission that no local authority ordered them to kill thieves.

- **ALLEGED VICTIMS WHICH AUTHORITIES MAINTAINS ARE UNKNOWN**

During its investigation, the Commission established that 10 people who were allegedly killed or disappeared and later on confirmed dead by the authorities are unknown to local authorities, security organs and residents of administrative entities indicated in the HRW report

Examples include the following cases:

1. MBARUSHIMANA Innocent

On Page 20 of the HRW Report, it is indicated that MBARUSHIMANA, a resident of Basa Cell, Rugerero Sector was killed on 11/10/2016 by the *Inkeragutabara* after stealing bananas.

On 16/8/2017, the Commission went to Basa Cell and met with Edison, the Cell's Executive Secretary who said that he did not know MBARUSHIMANA Innocent. He recalled that he had met with officials/staff from other organs who were also asking about MBARUSHIMANA Innocent. On the same day, the Cell's Executive Secretary asked village leaders who had come for a meeting office if anyone knew MBARUSHIMANA Innocent but no one could not recognize him.

Furthermore, the same day the Commission went to Kabirizi Cell and talked with NYIRAHABINEZA Solange, Nkama Village Leader and Kabirizi Cell's Executive Secretary, both said they did not know MBARUSHIMANA Innocent.

Based on the above, the Commission concludes that allegations by the HRW Report on this particular case are groundless because MBARUSHIMANA Innocent is not known or recognized as a resident of Basa Cell.

2. NTAHONDEREYE Jean Damascène

On page 540 of the HRW Report, it is alleged that a person named NTAHONDEREYE Jean Damascène of Kageshi Cell, was last seen on 27/4/2016, and that the authorities confirmed his death on 29/4/2016. The report further says the soldiers told his family that his body was buried.

The Commission went to Kageshi and Nyacyonga Cells and met with their Executive Secretaries, but both said they did not know NTAHONDEREYE Jean Damascène. The Commission also met with some of the residents who said they did not know him.

The Commission finds that the information provided by HRW is incorrect due to the fact that NTAHONDEREYE Jean Damascène is not known either by authorities or residents of Cell mentioned in report.

3. NIYIGENA Emmanuel

Page 26 of the HRW Report mentions that NIYIGENA Emmanuel of Rukoko Cell, Rubavu Sector, was killed by the soldiers on 25/1/2017 because he was a drug dealer.

On 22/8/2017, the Commission went to Bisizi Village of Cyanzarwe Sector, and met with the Village leader who said that they did not know NIYIGENA Emmanuel. The Commission met with Rukoko Cell's Executive Secretary as well as other Executive Secretaries of surrounding localities who all did not recognize NIYIGENA Emmanuel as one of their residents. The Commission also met with residents of the area where the alleged victim reportedly lived, but no one could recognize such a name.

The Commission finds that the information provided by HRW is incorrect due to the fact that Niyigena Emmanuel is not known either by authorities or residents of Cell mentioned in HRW report.

4. NZABANDORA Ndayishimiye

NZABANDORA Ndayishimiye's case appears on page 540 of the HRW Report, where it is alleged that soldiers or police are involved in his disappearance because he was fishing with illegal net called *kaningiri*.; indicating he was last seen on 06/12/2016.

The Commission went to Bushaka Cell in Boneza Sector and met with Bushaka Cell's authorities, village leaders and local residents in Bugarura Island. All indicated that the alleged victim is not known in their villages.

5. HAKUZIMANA Basabose

As it appears on page 45 of the HRW Report, it is alleged that HAKUZIMANA Basabose was killed by the military or police on 06/12/2016 because he was fishing with illegal net called *kaningiri*.

The Commission met with Bushaka Cell's Executive Secretary with the leaders of Bushaka villages. They informed the Commission that a person named Basabose, son of Bizimana Edouard died in 1995. Since no one knew the other name of Basabose, they could not confirm if Basabose, the son of Bizimana was also called Hakuzimana.

The Commission concluded that HAKUZIMANA Basabose was unknown.

6. NTEZIRIZA Naftar

HRW alleges on 47 of its report, that NTEZIRIZA Naftar was killed end December 2016 by the military or police, while fishing with illegal net called *kaningiri*.

The Commission went to Bushaka Cell in Boneza Sector and met with Bushaka Cell's Executive Secretary together with the leaders of Bushaka villages who said that the resident by those names is not known in their villages.

7. BUHAGARIKE François

From P17-18 of the HRW report, it is alleged that BUHAGARIKE François a resident of Busuku Cell in Nyabirasi Sector, Rutsiro district, was killed by the military between 19-20/10/2016 for stealing cows.

On 18/08/2017 and on 28/08/2017, the Commission went to Nyabirasi Sector and met with the Sector's Executive Secretary who told the Commission that when he heard about the HRW Report, he also searched for information on BUHAGARIKE François referred to in the report as a resident of Nyabirasi Sector. Local residents told him the alleged victim was not known in that Sector.

8. BEMERIKI Alexandre

On Page 29-30 of the HRW report, it is alleged that a person named BEMERIKI Alexandre was killed in October 2016 by the military after they found an illegal fish net *kaningini* at his home.

The Commission went to Bushaka Cell in Boneza Sector and met with Bushaka Cell's Executive Secretary together with Bushaka village chiefs who said that the person by those was not known in their villages.

9. HABIYAREMYE Jean de Dieu

It is alleged on page 14 of HRW report that HABIYAREMYE Jean de Dieu residing in Ngoma Cell, Nyabirasi Sector, Rutsiro District was arrested end November in 2016 and later executed by the military because he stole a cow.

The Commission went to Nyabirasi Sector to investigate on the death of HABIYAREMYE Jean de Dieu, in all the villages of Ngoma Cell, but they couldn't trace a resident of such names.

The Commission returned to Nyabirasi Sector for the second time and met with the Executive Secretary stressed they also tried look for information on HABIYAREMYE Jean de Dieu, referred to in the report as a resident of Nyabirasi Sector, but couldn't find any trace of such resident in their areas.

➤ PEOPLE REPORTEDLY EXECUTED BY THE MILITARY

After depth and thorough investigations, the Commission learnt the following:

At different occasions, unknown people would cross Cyanzarwe valley located between Rwanda and DR Congo during the night, and would come to Rwanda to cause insecurity in Rwanda. It is the same pathway that in 2015, members of FDRL crossed into Rwanda via and killed three police officers at Busasamana Sector. The district authority and security organs held meetings with local residents and warned them that crossing that valley during the night was temporarily prohibited for security reasons;

Even though residents were warned, some residents of Nyamyumba, Busasamana and Rubavu Sectors, namely: TUYISHIME Ernest; NIRERE Jeanine; NIYONZIMA Benjamin; NSHIMIYIMANA Innocent; RUKUNDO Fulgence; GASORE; IRADUKUNDA Prosper and MUKESHIMANA Joseph, travelled through that valley during late night. Refusing to stop when ordered to do so by soldiers patrolling the area, the later

shoot at them convinced that they were enemies because they believed that no resident would pass by there at night since they were aware of directives.

The Commission also established that another resident of Nyabirasi Sector called HAKIZIMANA Pierre, was arrested by security forces after being accused by residents of stealing and injuring cows. After his arrest, he fought with security forces and tried to take their guns. He was fatally shot in the scuffle.

Another victim named MUKE Flavien a.k.a Basare, from Rugerero Sector was fatally shot when he tried to take his gun from a police officer who was escorting him to the toilet. He had been in police custody and accused of injuring cows.

➤ **ALLEGATIONS OF EXECUTIVE SECRETARIES OF SECTORS AND CELLS REPORTEDLY FIRED BECAUSE THEY WERE OPPOSED TO THE EXECUTIONS**

HRW reports that there are Executive Secretaries of Cells and Sectors who lost their jobs because they were opposed to the executions referred to in the HRW Report. The Commission learnt that some Executive Secretaries resigned voluntarily, and that others were dismissed because of their unprofessional conduct. This was confirmed in the Commission meeting with the Acting Mayor of Rubavu District who is also the Vice Mayor in Charge of Finance and the Vice Mayor in Charge of Social Affairs, the Mayor of Rutsiro District and the Vice Mayor in Charge of Finance. They all said that the resignation and dismissal is also done in other districts for the sake of efficiency and service delivery.

The Commission is in possession of resignation letters of those Executive Secretaries. The Commission concluded that the resignations and dismissal have nothing to do with allegations of the HRW Report; and dismissals were in compliance with laws.

V.I GENERAL CONCLUSION

Having conducted in-depth and thorough investigations on people mentioned in the HRW Report of July 2017 to have been executed by the military or police, or by local residents following from local authorities, the National Human Rights Commission concludes that the content of the report is inaccurate and factually incorrect given that some people reportedly executed in the HRW report are alive, some others died of natural diseases, while several others died as a result of various accidents although HRW reports that they were executed by the Army, Police or DASSO officers.

The Commission also established that 10 people reported by HRW to have been executed are unknown to local authorities and residents of administrative entities indicated in the HRW report. Furthermore, since the HRW report does not, in many instances, ascertain the entity responsible for alleged violations ; which is in itself problematic in as much as there is no evidence to support them, the Commission is of the view that such approach aims at creating confusion in institutions to which the report is submitted as it is very difficult to investigate on the facts reported by HRW when there is a doubt on the organs or institutions mentioned in the report.

The National Commission for Human Rights is of the view that HRW reports do not provide information that is likely to promote and advocate for human rights but aim to tarnish the image of Rwanda and its Security Organs.

Furthermore, it is clear that HRW Report didn't follow proper human rights investigation procedures when conducting its investigation, including evidentiary consideration and standards proofs. For example, HRW sought for further supplementary information when they had already submitted their report to the Minister of Justice of Rwanda. Also in some cases, witnesses had to be paid for testifying.

Recommendations

- The National Commission for Human Rights call upon international and national institutions to which the Human Rights Watch report was submitted to disregard its contents including its recommendations because the entire report is built on fabricated information.
- It also calls upon HRW to follow due process and proper human rights investigation procedures and standards when conducting its investigation.
- It however calls upon the Government of Rwanda to conduct in-depth and thorough investigation on cases of alleged victims killed while stealing or theft related accusations, to ensure that due process has been followed to bring perpetrators to justice.

Done at Kigali, on 9/10/2017