



# Killings in Eastern Rwanda

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## I. Summary

Two sets of incidents in late November 2006 involving killings and alleged extrajudicial executions have highlighted existing tensions in some parts of Rwanda and risk further aggravating relations between ethnic groups. The incidents took place six months after the start of nationwide *gacaca* trials of persons accused of having participated in the 1994 genocide. In one set of incidents a genocide survivor, the nephew of a *gacaca* judge, was killed and eight people, including children, were then slain in reprisal. In another set of incidents the killing of a *gacaca* judge was followed by the alleged extrajudicial execution of three suspects taken into custody by the police.

In recent years dozens of genocide survivors and others involved in the *gacaca* process have been killed.<sup>1</sup> Survivors' organizations, human rights organizations, Rwandan officials, and the press have rightfully raised concerns about the security of survivors and witnesses in judicial proceedings. In mid-2006, the government established an office of witness protection and in late December President Paul Kagame and other officials called for sterner measures not just against assailants but also against local leaders in communities where survivors are attacked.

The reprisal killings in late November represent a worrying development as genocide survivors have rarely taken the law into their own hands in the recent past.

Human Rights Watch is concerned that the official response to these incidents has not yet been sufficiently comprehensive or impartial. As this report documents, the authorities have arrested alleged perpetrators in three out of four incidents, but in the case of the reprisal killings police have arrested only some of the persons alleged by eyewitnesses to have participated in the crime. In addition, the investigation of the alleged extrajudicial execution of the three men in police custody

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<sup>1</sup> As this report was being edited, the press reported the killing in Kamonyi district, Southern Province, of Landuardi Bayijire, a survivor who was also president of the local *gacaca* jurisdiction and president of the local survivors' organization. "Another Gacaca Judge Murdered", *The New Times*, [http://www.newtimes.co.rw/index.php?option=com\\_content&task=view&id=56&Itemid=39](http://www.newtimes.co.rw/index.php?option=com_content&task=view&id=56&Itemid=39), January 2, 2007 (accessed January 2, 2007).

was done by a police agency, not by an independent external body. On the basis of apparently incomplete information, the investigation concluded that the police officers had killed the men in self-defense.

Official response to such incidents – both police action and the statements of political leaders – can reassure or create further concern.

Rwandan officials must carry out prompt, effective, and impartial investigations and prosecutions in all situations, including the killing of genocide survivors, the killing of participants in the *gacaca* process, reprisal killings, and alleged extrajudicial executions. Such action is essential to establishing rule of law and for social stability – particularly crucial in a period of heightened tensions as Rwanda seeks to bring to justice hundreds of thousands of alleged perpetrators of crimes committed in 1994.

## **II. Killings in November 2006**

Rwanda continues to live with the social and political consequences of the 1994 genocide, which inevitably colors local interpretations of events or public perceptions of official action. In this climate, serious crimes such as the killing of genocide survivors and reprisal attacks on villagers, or the death of persons in police custody, quickly attract attention and give rise to rumors and fears that go beyond the immediate incidents themselves. The importance of the impartial application of criminal justice cannot be overstated. Any perceived inequality in law enforcement risks contributing to public cynicism about the rule of law.

### **Incidents in Rukumberi Sector**

The killing on November 19, 2006, of Frederic Murasira, a genocide survivor and nephew of a *gacaca* judge, in Mugwata – a village in Rukumberi sector, Ngoma district in eastern Rwanda – was followed the same day by a reprisal attack that killed eight people. Human Rights Watch is concerned that the police appear to have been less thorough in pursuing perpetrators of the reprisal killings than in investigating the original killing of the genocide survivor.

Innocent Habinshuti, aged 38, is reported to have seen Frederic Murasira, aged 23, riding a bicycle through the village of Mugwata on November 19, 2006. Habinshuti had once been jailed following allegations of participation in genocide and had been released in 2003 pending trial before a *gacaca* jurisdiction.<sup>2</sup> Murasira's uncle was said to be preparing new charges against Habinshuti.

Witnesses claim that Habinshuti chased after Murasira, pulled him from the bicycle, and attacked him with a machete. As Murasira ran to a nearby house, onlookers shouted at Habinshuti to stop the attack but did not otherwise intervene. At the house where Murasira sought shelter, a man blocked his entry and shut the door. Habinshuti then reportedly delivered a considerable number of further blows to Murasira, killing him.<sup>3</sup>

According to several witnesses, the bicycle Murasira was riding had belonged to Habinshuti but had been taken from him following a *gacaca* session the previous week. One local observer said that relations between the families of Murasira and Habinshuti had once been good but had recently degenerated in a dispute over the sale of a cow and an unpaid debt. Others said that Habinshuti had been accused of pillaging cattle during the genocide and that the *gacaca* session had fined him 30,000 Rwandan francs. When Habinshuti was unable to pay the fine, his bicycle was seized.<sup>4</sup>

Southeastern Rwanda is a dusty, impoverished part of the country where large-scale slaughter of Tutsi took place in 1994. During and after the genocide, soldiers of the Rwandan Patriotic Front (RPF), the dominant political party in Rwanda today, also killed civilians in that area in violation of international humanitarian law. Many genocide survivors in Rukumberi live in a village called Ibuka, which means "Memory", built specifically for them. Other Rwandans, including a number of released prisoners awaiting trial, live in the nearby commercial center of Mugwata.

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<sup>2</sup> The Rwandan government has released some 40,000 accused persons, many of whom have confessed to genocidal crimes. Confessions must be heard and accepted by *gacaca* jurisdictions; if accepted as full and accurate, confessed persons may benefit from a reduction of sentence and the opportunity to serve part of the sentence outside prison while performing public service labor; if confessions are refused, those who confessed are sentenced to longer terms and returned to prison.

<sup>3</sup> Human Rights Watch interviews with residents and local officials, Rukumberi, November 27 and December 8, 2006.

<sup>4</sup> Article from the journal *Rushyashya* as translated in *Les Points Focaux*, no. 259, December 11-17, 2006, p. 14.

According to one local resident of mixed ethnicity and to officials, the two communities coexisted without conflict before this killing. Persons from one community shared beer with those from the other and even exchanged cows, a local sign of excellent relations.<sup>5</sup> But a spokesperson for Avega, an association of genocide widows, painted a different picture, saying residents of the two communities lived in “silent conflict,” with violence just waiting to happen.<sup>6</sup> The executive secretary of the National Service of *Gacaca* Courts, Domitille Mukantaganzwa, echoed this description of hostility between the communities in a mid-December 2006 radio broadcast.<sup>7</sup>

An hour or so after Murasira’s killing, genocide survivors came running to the scene from nearby Ibuka.<sup>8</sup> By this time Habinshuti had fled to the bush outside Mugwata. According to one Mugwata resident, the people from Ibuka came in at least two groups. She said,

Those who came first were really looking for the murderer. Then others arrived. They didn’t want to find the murderer, they just wanted to beat people.<sup>9</sup>

An elderly man still showing bruises and other evidence of having been beaten told a Human Rights Watch researcher that three people from Ibuka village kicked and beat him until he was able to break free and flee. Others beat two women who were pregnant and a third who was elderly. The pregnant women needed medical treatment for their injuries and one man, hit in the face with rocks, suffered injuries too severe to be treated locally and required hospitalization in Kigali. One man who was beaten is reported to have been saved from serious injury when an assailant realized he was a visitor to Mugwata and persuaded the others to stop hitting him.

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<sup>5</sup> Human Rights Watch interviews with residents and local officials, Rukumberi, December 8, 2006.

<sup>6</sup> Paul Ntambara, “Genocide Survivor Hacked to Death,” *The New Times* (Kigali), November 23, 2006.

<sup>7</sup> Domitille Mukantaganzwa, executive secretary of the National Service of *Gacaca* Courts, speaking on “Chronique Inkiko Gacaca,” Radio Rwanda, December 16, 2006.

<sup>8</sup> According to one press account, the assailants included demobilized soldiers. Article from the journal *Rushyashya* as translated in *Les Points Focaux*, no. 259, December 11-17, 2006, p. 14.

<sup>9</sup> Human Rights Watch interview with a resident of Mugwata, December 8, 2006.

The commercial center emptied out, with residents fleeing before the assailants, but two or three families remained, locked in their homes.<sup>10</sup> “They believed themselves safe, because they were innocent,” said one local person.<sup>11</sup>

According to a local official, assailants attacked the persons in one house with agricultural implements and machetes, killing Daniel Munyempama, age 70, Françoise Mukaneza, age 18, Arusi Nyirankunzimana, age 13, and Mukarukundo, age 8.<sup>12</sup> A police photograph taken at the scene shows the victims lying face down in a pool of blood inside the house.<sup>13</sup> When Human Rights Watch researchers visited the home, the blood stains were still visible and the lock on the front door hung broken on the hasp.

In another house, Hilary Nyiraneza and her three-year-old son Cedric Imanibuka were killed. An axe and a small hoe were found at the scene. Finally, in a third house, a visitor to Mugwata, identified only as Sinzababanza, was killed, along with a six-year-old boy, Jean-Claude Turikumana.

None of the eight people killed had participated in the killing of Murasira, nor were any of them related to Innocent Habinshuti.<sup>14</sup>

Some residents also saw their houses burned and their belongings looted. One elderly man reported that practically the only possession left in his house was a mattress. Food stocks were among the goods destroyed.<sup>15</sup>

### *Official Reaction to the Rukumberi Killings*

The police arrived at Mugwata more than two hours after the violence had begun, apparently because of the difficulties of communication in this remote region, where

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<sup>10</sup> Human Rights Watch interviews with seven residents of Mugwata, December 8, 2006.

<sup>11</sup> Human Rights Watch interview with a resident of Mugwata, November 27, 2006.

<sup>12</sup> Human Rights Watch Interview with Josue Buhiga, Rukumberi Sector offices, December 8, 2006.

<sup>13</sup> Human Rights Watch interview with Ngoma district police commissioner, Ngoma District offices, December 7, 2006. He declined to discuss the case but did permit Human Rights Watch researchers to view the photographs of the crime scene.

<sup>14</sup> Human Rights Watch interviews with residents and a local official, Rukumberi, November 27 and December 8, 2006.

<sup>15</sup> Human Rights Watch interviews with residents of Mugwata, November 27 and December 8, 2006.

mobile phones function only in certain areas. Finding that residents had fled, the authorities held meetings to reassure people and to encourage them to return. A small military detachment was sent to the village to restore order. When the community was visited by a Human Rights Watch researcher two weeks after the incident, the troops were still in Rukumberi. Both survivors and released prisoners found reassurance in their presence.<sup>16</sup>

On the night of November 23, Innocent Habinshuti came out of hiding and gave himself up to the police. According to the sector executive secretary, the local authorities also arrested several other persons. On December 3, the minister of internal security said that in addition to Habinshuti six persons were under arrest in connection with the killing of Murasira.<sup>17</sup> One detained person was held for two weeks in seriously overcrowded and poor conditions in the local lock-up.<sup>18</sup>

The authorities promised Rukumberi residents they would also pursue perpetrators of the revenge killings. Three men were arrested for alleged participation in the reprisal killings soon after the crime and a local administrator was arrested for not having prevented the reprisal attacks.<sup>19</sup> Mugwata residents report that many more persons were directly involved in the killings, and have given the police lists of names.<sup>20</sup>

However, residents remain unconvinced that further alleged perpetrators will be brought to justice. One local inhabitant who lost family members told Human Rights Watch researchers,

I would have hope for justice if I saw any reaction to what I have said [to the authorities]. I have no hope... If the soldiers were not here, we would be killed and the place torn apart. They [the people from Ibuka]

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<sup>16</sup> Human Rights Watch interview with genocide survivor resident of Rukumberi, in Kibungo town, December 8, 2006; Human Rights Watch interview with residents of Rubona village, November 27, 2006.

<sup>17</sup> Cheikh Moussa Fazil Harerimana, minister of internal security, Contact FM Radio broadcast concerning security, December 3, 2006.

<sup>18</sup> Human Rights Watch interviews with residents of Mugwata, November 27 and December 8, 2006.

<sup>19</sup> Human Rights Watch Interview with Josue Buhiga, Rukumberi Sector offices, December 8, 2006.

<sup>20</sup> Human Rights Watch interviews with residents of Mugwata and Ibuka, November 27 and December 8, 2006.



came and took revenge on women and children. Did these women and children have any link with the crime? Children of three years, six years... these were children. Did they do any wrong?<sup>21</sup>

Children who lost parents have been promised that their school fees will be paid by the state. People who lost food or property, however, expect no compensation from local authorities.<sup>22</sup> The sector executive secretary commented that most people kept little food in their houses in any case, and could survive on food that they had deposited in a government storage program.<sup>23</sup> Regardless of the amount stored elsewhere, the loss of all food stored at home as well as other possessions further impoverished the already poor residents of Mugwata whose houses were looted.

### **Killings in Mwulire Sector**

The killing of Egide Ndabakuranye, the president of a local *gacaca* jurisdiction, on the evening of November 23, 2006, near his rural home in Mwulire sector, Rwamagana district, Eastern Province was quickly followed by the arrest of three men. Subsequently the three were killed in police custody. Human Rights Watch is concerned that these deaths have not been adequately investigated and may have been extrajudicial executions.

Egide Ndabakuranye's body was found early the morning after he was murdered. One of his eyes had been gouged out and his head had been split in two by a machete blow. As the neighbors gathered, the police arrived and immediately took three men into custody, including Jean Hakizamungu, the victim's half-brother. Ndabakuranye's widow told police and her friends that Hakizamungu had threatened to kill her husband because he had refused to use his power as local *gacaca* president to ensure that genocide accusations against Hakizamungu not be carried forward. Hakizamungu and the other two suspects, John Rukundo and Francois Ndagijimana, all lived near the victim's house and site of the murder.<sup>24</sup>

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<sup>21</sup> Human Rights Watch interview with a resident of Mugwata, December 8, 2006.

<sup>22</sup> Human Rights Watch interviews with residents of Mugwata, November 27, 2006.

<sup>23</sup> Human Rights Watch Interview with Josue Buhiga, Rukumberi Sector offices, December 8, 2006.

<sup>24</sup> Human Rights Watch interview with residents of Mwulire sector, December 13, 2006.

At dusk on November 24, local residents report seeing a police pick-up truck, with the three men under guard in the back, heading down a little-used country road. According to one witness who observed the scene, the vehicle stopped about a mile-and-a-half from Rwamagana town and the driver turned off the engine. The armed policeman in the back stood up as the three men got down from the vehicle next to a thick clump of bamboo. A short time later, several shots were heard even as far distant as a mosque on the outskirts of the town. Those who heard say there were between three and six shots in close succession. According to witnesses, the vehicle started up and continued along the road until it reached a convenient turning place. When it came back past the scene, occupants of the truck retrieved the bodies and the truck returned towards Rwamagana.<sup>25</sup>

Relatives of the victims learned of the deaths shortly afterwards by word of mouth. They retrieved the bodies from the local hospital with the help of friends and took them home for burial. Police officers did not visit relatives to inform them officially of the deaths of their relatives or to explain how they had died.

The minister for internal security said in a December 3 radio broadcast that Jean Hakizamungu had been shot by police while trying to escape. He did not mention the fate of the other two men.<sup>26</sup>

In a December 15 interview with a Human Rights Watch researcher, Mary Gahonzire, deputy police commissioner general in charge of operations, said that an investigation into the incident had been carried out by the Inspectorate of Service, an internal investigatory agency of the National Police. Referring several times to a document before her, she stated that a police officer had killed the three in self-defense. She said that one of the three suspects, John Rukundo, had confessed to killing the judge with the other two suspects. The three had then offered to show the police where other persons were hiding in order to “escape justice” and avoid appearing before *gacaca* jurisdictions. According to the police, while being escorted to this supposed destination, Rukundo, a demobilized soldier who knew how to use

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<sup>25</sup> Ibid.

<sup>26</sup> Cheikh Moussa Fazil Harerimana, minister of internal security, Contact FM Radio, December 3, 2006.

firearms grabbed the weapon of one of the police officers and threatened one or more of the other officers, who then shot all three suspects.

Deputy Police Commissioner Gahonzire said the incident happened in broad daylight, but she could not provide more details on the time or exact location. She said the three suspects outnumbered the police officers but could not say how many officers there were. Nor could she provide information on the kind of weapons involved or the number of shots fired. She said, “It is unfortunate that the people we were hoping to protect antagonized us and forced us to do that...”<sup>27</sup>

Information provided by persons who saw the bodies and the traces left behind at the scene of the shooting, however, do not support this official account of what took place. According to persons who saw the bodies, each victim had been shot once or twice in the head or neck, apparently from the front or the side.<sup>28</sup> Local observers reported that blood and brains were visible in a narrowly circumscribed area for several days following the killings, suggesting that the three men had been shot within a fairly defined space.<sup>29</sup> The reported location of the bullet entry wounds and the proximity of the killings to each other seem inconsistent with a situation in which officers were responding in self defense to escaping prisoners.

When asked if it were not possible that the three had been executed, Deputy Police Commissioner Gahonzire replied that such an act would have been a “total violation of human rights—we don’t do that.”<sup>30</sup>

Rwanda is a party to the International Covenant on Civil and Political Rights (ICCPR).<sup>31</sup> As such Rwanda is legally obligated to ensure that prompt, effective, and independent investigations take place in the event of any death in custody. To date

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<sup>27</sup> Human Rights Watch interview with Deputy Police Commissioner of Police in charge of operations Mary Gahonzire, Kigali, December 15, 2006.

<sup>28</sup> Human Rights Watch interview with residents of Mwulire sector, December 13, 2006.

<sup>29</sup> Ibid.

<sup>30</sup> Human Rights Watch interview with Deputy Police Commissioner of Police in charge of operations Mary Gahonzire, Kigali, December 15, 2006.

<sup>31</sup> International Covenant on Civil and Political Rights, G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, ratified by Rwanda April 16, 1975.

the information that Human Rights Watch has received regarding the investigation conducted into the deaths of the three suspects indicates that this obligation has not been discharged. Rwanda also has an obligation to ensure that all suspects receive a fair trial.

### **III. Official Responsibilities, Fear, and Revenge**

Preventing and punishing attacks on citizens constitute fundamental duties of the state, basic to the rule of law. Rwandan officials face special difficulties in executing these duties because the country has so recently known the violence of genocide and because the survivors and perpetrators — or accused perpetrators — of that violence live in close proximity to one another.

All observers agree that a number of genocide survivors and others involved in the *gacaca* process as judges or witnesses have suffered harassment and, some of them, injury or death. Estimates of the number of victims vary considerably, in part because many cases involve differing possible interpretations of motives for the abuse.<sup>32</sup> Asked by a journalist to comment on an estimate of 160 survivors killed since 2000, National Police Commissioner General Andrew Rwigamba, speaking on a live radio broadcast on December 3, 2006, at first confirmed the figure, then moments later corrected himself to say that to his knowledge, this figure was not accurate. In the same radio broadcast, Minister of Internal Security Cheikh Moussa Fazil Harerimana stated that according to official statistics there had been 35 attempts on the lives of genocide survivors in 2006 but that only 7 survivors had been killed, a figure considerably below the number of 16 then being used in the press.<sup>33</sup>

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<sup>32</sup> US State Department Bureau for Democracy, Human Rights and Labor, "Country Reports on Human Rights Practices – 2005: Rwanda", March 8, 2006, <http://www.state.gov/g/drl/rls/hrrpt/2005/61587.htm> (accessed December 19, 2006); Cheikh Moussa Fazil Harerimana, minister of internal security, Contact FM Radio, December 3, 2006; Paul Ntambara, "Genocide Survivor hacked to Death," *The New Times* (where 16 survivors are said to have died during 2006); Benoit Kaboyi, secrétaire exécutif de l'association IBUKA, press release about attacks on genocide survivors as reported on Radio Rwanda, December 5, 2006, 6:30 p.m.

<sup>33</sup> National Police Commissioner General Andrew Rwigamba and Minister of Internal Security Cheikh Moussa Fazil Harerimana, Contact FM Radio, December 3, 2006.

The Rwandan government has responded to attacks, threats, and harassment of survivors and others involved in the *gacaca* process by repeatedly warning that persons guilty of such crimes will be harshly punished.<sup>34</sup> In several cases, suspects have been arrested, tried and convicted. In mid-2006 the government also established an office of witness protection. According to a deputy prosecutor general, the office had registered 26 complaints of threats or hostile actions against witnesses by October and had “resolved” 10 of them. Work has been hampered by the office being centralized in Kigali, a problem that the service expects to address by establishing a free telephone line.<sup>35</sup>

Survivors’ organizations demand still greater protection, insisting through statements and in the press that their security is not assured.<sup>36</sup> As one genocide survivor from Rukumberi told government officials in a recent call-in radio broadcast, survivors were no longer going to “stick out their necks to have them hacked.” He continued, “It’s no longer a question of waiting for people to be slaughtered day after day.”<sup>37</sup> Elsewhere in Rwanda survivors are also said to have decided to act in their own defense, including by taking revenge on those thought guilty of abusing survivors.<sup>38</sup>

In addition to protecting genocide survivors, the government must also assure order and equitably enforce the law for all Rwandans. After the Rukumberi killings, authorities sent soldiers to restore calm and held meetings themselves with local residents. These measures seem to have reassured survivors and the residents of Mugwata.

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<sup>34</sup> See, for example, statement by Deputy Police Commissioner in charge of operations Mary Gahonzire on Radio Rwanda, January 16, 2005

<sup>35</sup> Presentation of the deputy prosecutor general, meeting of the Human Rights League of the Great Lakes (Ligue pour la defense des droits de la personne dans les Grands Lacs, LDGL), Kigali, October 31, 2006.

<sup>36</sup> A recent example is the Ibuka press release, signed by Executive Secretary Benoit Kaboyi, read on Radio Rwanda, 6:30 pm, December 5, 2006.

<sup>37</sup> Dominique Rwumushema, identified as a genocide survivor from Rukumberi, Contact FM radio broadcast concerning security, December 3, 2006.

<sup>38</sup> Human Rights Watch telephone interviews with grassroots religious worker, December 16, 2006 and with genocide survivor, January 13, 2007.

However, some residents of Mugwata did not perceive the steps taken by the police to identify and arrest persons alleged to be responsible for the reprisal killings and other violence as similarly effective and impartial. Neither were residents of Mwulire reassured by the police reaction to the alleged extrajudicial executions.

Police officers must investigate all those accused of having participated in killings. In addition, the national police authorities must permit an impartial and independent investigation into the deaths of the three suspects who died in police custody some hours after being apprehended. Fair trials, according to international due process standards, must take place for all those against whom there exists serious evidence of guilt.

Ensuring that the rule of law is enforced in incidents like those at Rukumberi and Mwulire is critical, but it does not represent the full extent of official responsibility for ensuring the security of Rwandans. Government officials also bear responsibility for policies and practices they institute that affect the environment in which citizens act. Thus official interpretation of threats to survivors and others involved in the *gacaca* process color the perceptions and may influence the actions both of those who feel at risk of attack and those who believe they are unjustly seen as possible perpetrators of such attacks.

Beginning in 2004, government officials often claimed that attacks on survivors and others involved in the *gacaca* process were motivated by “genocidal ideology.”<sup>39</sup> Even before the “genocidal ideology” explanation acquired prominence in official discourse, some survivors expressed fears about a possible recurrence of the genocide. With repeated official statements that such ideas must still be feared, survivors are more afraid, continually reminded that their very existence as members of the Tutsi ethnic group may suffice to expose them again to injury and death.<sup>40</sup>

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<sup>39</sup> Although in use before 2004, the term “genocidal ideology” took on great importance after its use in a 2004 report by a Parliamentary Commission. The report listed hundreds of cases of “genocidal ideology” but did not define the term. République Rwandaise, *Rapport de la Commission Parlementaire ad hoc crée en date du 20 janvier 2004 par le Parlement, Chambre des Députés, chargée d’examiner les tueries perpétrées dans la province de Gikongoro, l’idéologie génocidaire et ceux qui la propagent partout au Rwanda*, accepted by the National Assembly June 30, 2004; Deputy Police Commissioner in charge of operations Mary Gahonzire speaking on Radio Rwanda, January 16, 2005.

<sup>40</sup> Statements of numerous genocide survivors seeking asylum outside of Rwanda, submitted to Human Rights Watch researchers.

The assumption that genocidal ideas underlie attacks on survivors and others involved in the *gacaca* process – an assumption often made in the absence of objective evidence established through police investigations – also increases fears among Rwandans of Hutu ethnicity. Since perpetrators of genocide were Hutu (with a few exceptions), it is Rwandans of this group who fear being unfairly charged with any current crimes said to be motivated by genocidal ideas or by the desire to escape justice for genocidal crimes of the past. The reprisal killings at Rukumberi and the perception that police have not thoroughly investigated these crimes nor the killing of suspects in police custody reinforce Hutu fears that they may not receive justice when crimes are committed against them and even that they may be accused of and punished for crimes they have not committed.<sup>41</sup>

Statements about the continued existence of “genocidal ideology” appear to contradict another official theme – that Rwanda is well on the way to reconciliation, which presumably implies that genocidal ideas are on the wane.

Following the killings in Rukumberi and Mwilire, however, some officials seemed to moderate the insistence that “genocidal ideology” lay behind attacks on survivors. In the December 3 radio broadcast mentioned above, National Police Commissioner General Rwigamba said that survivors sometimes exaggerate the number of their fellows killed for reasons related to the genocide, remarking that genocide survivors could also be killed for other reasons, such as business disputes or conflicts over land or cattle. He commented that survivors could even be killed in the course of committing a crime. He said, “They are Rwandans like others. Just because they are survivors of the genocide does not mean that there are no bad elements among them.”<sup>42</sup>

In the same broadcast, Minister of Internal Security Cheikh Moussa again mentioned “genocidal ideology” as the motive that led Habinshuti to kill the survivor Murasira, but he then warned listeners against taking the law into their own hands, a warning in which National Police Commissioner Rwigamba joined. Minister Harerimana

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<sup>41</sup> Human Rights Watch interviews with residents and local official, Rukumberi, November 27 and December 8, 2006. Similar fears were expressed in a Human Rights Watch interview with a *gacaca* judge in Sake, a community near Mugwata, December 7, 2006.

<sup>42</sup> National Police Commissioner General Andrew Rwigamba, Contact FM Radio, December 3, 2006

specified that a person in danger had the right to defend himself but that revenge killings were unacceptable and illegal.<sup>43</sup>

In another radio broadcast some two weeks later, Executive Secretary of the National Service of *Gacaca* Courts Domitille Mukantaganzwa stressed that the killings of the genocide survivor and the *gacaca* judge were complex cases and could well have resulted from a number of motives, including bad relations within a family and bad relations between villages, as well as from reasons related to *gacaca* proceedings. Tempering statements by other officials that Habinshuti acted from “genocidal ideology”, Mukantaganzwa said that he had been successfully integrated into the community since his release and had even attempted to facilitate the work of the *gacaca* jurisdiction.<sup>44</sup>

However, in late December these more nuanced appreciations of relations between survivors and other Rwandans were overshadowed by restatements of the importance of “genocidal ideology” at the annual “National Dialogue” meeting of national and local political and administrative authorities. In a discussion of attacks on survivors and others involved in the *gacaca* process, the governor of northern province, Boniface Rucagu, spoke of the need to eradicate “bad” ideology. President Kagame said that planned or imminent attacks such as those on survivors, would inevitably be known to a circle of persons other than the perpetrator and likely included community leaders and neighbors. Participants in the meeting called for local leaders, neighbors of perpetrators, and witnesses to be held responsible for attacks on survivors in their communities.<sup>45</sup>

Given the fears and suspicions aroused by the recent killings, it is of greatest importance that government officials enforce the law fully and impartially and that they not assume motivations for attacks, particularly where that would result in necessarily attributing the abuses to one group. In addition, any steps taken to hold persons other than direct perpetrators of crimes responsible under the law must

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<sup>43</sup> Minister of Internal Security Cheikh Moussa Fazil Harerimana and National Police Commissioner General Andrew Rwigamba, Contact FM Radio, December 3, 2006.

<sup>44</sup> Domitille Mukantaganzwa, executive secretary of the National Service of *Gacaca* Courts, speaking on “Chronique Inkiko Gacaca,” Radio Rwanda, December 16, 2006.

<sup>45</sup> Magnus K. Mazimpaka, “Stern Measures adopted for survivors’ murders,” *The New Times*, December 21, 2006.



comply fully with the principles and limits of Rwandan and international human rights law.

## **IV. Media Coverage**

As in past incidents, Rwandan media gave wide coverage to the killing of Murasira, but far less to the killings of the eight other people, whose names and ages were rarely cited. Several reports in media close to the government failed to mention the reprisal killings, and in one the slaughter of the unarmed victims, mostly women and children, was described as a “skirmish.”<sup>46</sup> An exclusive focus on the genocide survivors as victims may increase their fear while the failure to report as extensively on the killings of other Rwandans may also contribute to a sense that any abuse against them will pass unnoticed. Such media coverage amplifies the impact of inadequate official reaction to the reprisal killings and the alleged extrajudicial execution and may suggest to some Rwandans that their lives are valued less than the lives of others.

## **V. Recommendations**

### **To the Rwandan government**

- Investigate fully and bring promptly to justice those responsible for killing survivors and other Rwandan citizens, including those whose deaths are documented in this report .
- Comply with obligations under the ICCPR and conduct a thorough, independent, and impartial investigation into the deaths of Jean Hakizamungu, John Rukundo, and Francois Ndagijimana while in police custody, and bring to justice anyone identified as responsible for the killings.

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<sup>46</sup> See, for example, Ntambara, “Genocide Survivor hacked to Death,” *The New Times*; R. Mukombozi, “Kagame Warns on Killings,” *The New Times*, November 28, 2006; Paul Ntambara, “Tackle Genocide Survivors, Witnesses’ Protection Issue,” *The New Times*, December 7, 2006; BBC Radio, Kinyarwanda service, 6:30 p.m. broadcast, November 24, 2006; and H. Mwihozeze, “Gruesome Murder of Young Man a Pattern of Murders of Genocide Survivors,” *Focus*, Kigali, November 27 - December 3, 2006.

The investigation should include objective assessment of available forensic evidence and the taking of statements from independent witnesses.

- Investigate, in accordance with international legal obligations, as a matter of routine, other deaths of suspects in police custody. Prosecute any members of the police force involved in ordering or implementing extrajudicial executions.
- Attribute motives for any attacks on survivors only on the basis of objective evidence following thorough police investigation. Impute motives of “genocidal ideology” only in instances where the acts clearly and directly fall under the Convention to Prevent and Punish the Crime of Genocide.

### **To the Rwandan media**

- Provide impartial, full, and accurate reporting of *gacaca*-related and other serious crimes.

### **To international donors**

- Urge the Rwandan authorities to investigate and bring to justice all persons, including police officers, responsible for unlawfully killings or assault. Insist particularly on the importance of effective and transparent investigation of deaths in police custody.