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# “We Will Force You to Confess”

Torture and Unlawful Military Detention in Rwanda



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## **Torture and Unlawful Military Detention in Rwanda**



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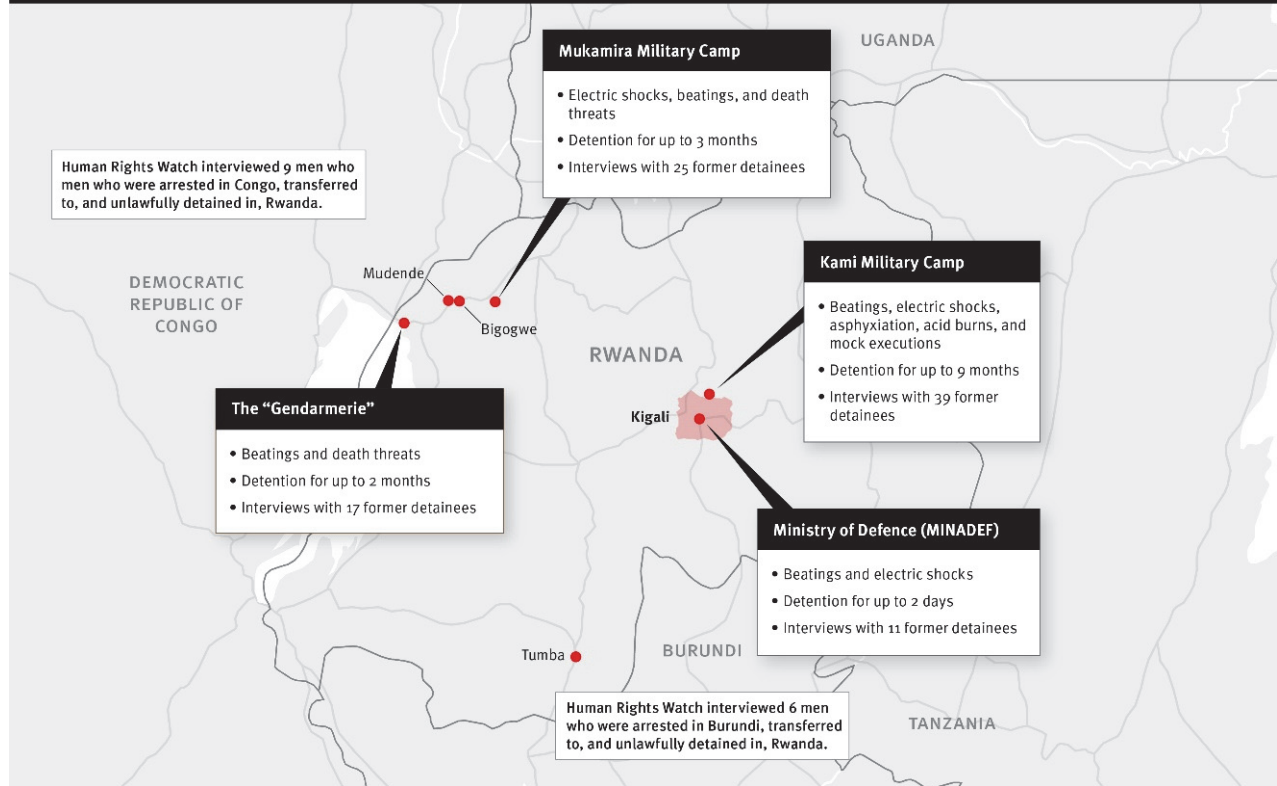
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# Map of Military Detention Sites in Rwanda

## Torture and Unlawful Military Detention in Rwanda, 2010-2016



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## Glossary and Explanation of Terms

African Charter	African Charter of Human and Peoples' Rights. Ratified by Rwanda in 1983.
CAT	Committee Against Torture. United Nations body which monitors implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment by state parties. The CAT reviewed Rwanda in 2012 and will review it again in 2017.
CNDP	National Congress for the Defence of the People (Congrès national pour la défense du peuple). A former rebel group in eastern Democratic Republic of Congo.
DDRRR	Disarmament, demobilization, repatriation, reintegration, and resettlement of foreign armed groups. In the context of this report, DDRRR is used to describe the process through which FDLR combatants (see below) are demobilized in Congo, transferred to Rwanda, and reintegrated into civilian life there. The DDRRR program in Congo is coordinated by the UN peacekeeping mission, MONUSCO.
DMI	Rwanda's Department of Military Intelligence, officially known as "J2," responsible for matters concerning military intelligence and security.
EACJ	East African Court of Justice. Organ of the East African Community, located in Arusha, Tanzania.
FAR	Rwandan Armed Forces (Forces armées rwandaises), the Rwandan army before and during the 1994 genocide. "Ex-FAR" refers to its former members.
FARDC	Armed Forces of the Democratic Republic of Congo (Forces armées de la République démocratique du Congo), the Congolese national army.
FDLR	Democratic Forces for the Liberation of Rwanda (Forces démocratiques pour la libération du Rwanda). A predominantly Rwandan Hutu armed rebel group, based in eastern Congo, some of whose members and



leaders participated in the 1994 genocide in Rwanda. The FDLR has also been responsible for serious human rights abuses in Congo.

FDU-Inkingi	United Democratic Forces-Inkingi (Forces démocratiques unifiées-Inkingi). A Rwandan opposition party which has been unable to register as a political party.
HRC	Human Rights Committee. UN body which monitors implementation of the International Covenant on Civil and Political Rights by state parties. The HRC reviewed Rwanda in March 2016.
ICC	International Criminal Court. Rwanda is not a signatory to the Rome Statute, the treaty which established the ICC.
ICCPR	International Covenant on Civil and Political Rights. Ratified by Rwanda in 1975.
ICRC	International Committee of the Red Cross. One of its objectives is to secure humane treatment and conditions of detention for all detainees.
MINADEF	Rwanda's Ministry of Defence. The term is also used in this report to describe the Ministry of Defence's premises in Kimihurura, in the capital, Kigali.
MONUC	United Nations Organization Mission in the Democratic Republic of Congo. UN peacekeeping mission in Congo, renamed "MONUSCO" in July 2010.
MONUSCO	United Nations Organization Stabilization Mission in the Democratic Republic of Congo, known as "MONUC" until July 2010.
NCHR	National Commission for Human Rights of Rwanda.
NISS	National Intelligence and Security Service, the civilian intelligence agency of Rwanda.
OPCAT	Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Ratified by Rwanda on June 30, 2015.

RCS	Rwandan Correctional Services. Responsible for the management of Rwanda's official prisons. Overseen by the Ministry of Justice.
RDF	Rwanda Defence Force, the national army of Rwanda.
RDRC	Rwanda Demobilization and Reintegration Commission. A government body responsible for the demobilization and reintegration of former members of armed groups.
RNC	Rwanda National Congress. An opposition group in exile, composed mainly of former members or supporters of the RPF (see below).
RPA	Rwandan Patriotic Army. The Rwandan army formed by the RPF (see below) in July 1994. In May 2002, it was renamed "RDF."
RPF	Rwandan Patriotic Front. Rebel group that ended the genocide in 1994 and has been Rwanda's ruling party ever since.
SNR	National Intelligence Service of Burundi (Service national de renseignement).
SPT	Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, a UN body established pursuant to the provisions of the OPCAT.
UNHCR	United Nations High Commissioner for Refugees. UN agency responsible for the protection of refugees worldwide.
UPR	Universal Periodic Review. A periodic review of the human rights record of UN member states at the UN Human Rights Council. Rwanda's last UPR took place in November 2015.

## Summary

They came into my cell, took my handcuffs off and covered my eyes. Then they walked me out and into the bush on a path I did not know. They put me on my knees, tied a shirt around my arms and said: “Now it is too late for you.” They took out a plastic bag and put it over my head so I could not breathe. As I was running out of air, they said: “Do you have something else to say?” I accepted [everything they told me to accept] because I was going to die. Then they stopped. I signed a document they put in front of me.

—Former detainee at Kami, January 29, 2014.

I ended up believing I was guilty. At this point, I was being beaten so badly I couldn’t feel anything. It was as if they were beating a tree.

—Former detainee at Mukamira, February 28, 2013

Between 2010 and 2016, scores of people suspected of collaborating with “enemies” of the Rwandan government were detained unlawfully and tortured in military detention centers by Rwandan army soldiers and intelligence officers. Some of these people were held in unknown locations, including incommunicado, for prolonged periods and in inhuman conditions.

These illegal detention methods are designed to extract information from real or suspected members or sympathizers of the Democratic Forces for the Liberation of Rwanda (FDLR)—an armed group based in eastern Democratic Republic of Congo, some of whose members took part in the 1994 genocide in Rwanda—and, to a lesser extent, the Rwanda National Congress (RNC), an opposition group in exile. Rwandan authorities have accused the FDLR of launching attacks on Rwanda from the Democratic Republic of Congo, as recently as 2016, and have accused both the FDLR and the RNC of carrying out grenade attacks in Rwanda between 2008 and 2014.

This report describes systematic patterns of torture, enforced disappearances, illegal and arbitrary detention, unfair trials, and other serious human rights violations in military detention centers in Rwanda, from 2010 to 2016, in clear violation of Rwandan and international law. Human Rights Watch’s findings are based on interviews with more than 230 people, including 61 current and former detainees. Human Rights Watch also observed the trials of seven groups of people and reviewed court statements regarding 21 illegal

detention cases and statements given in court by 22 individuals. Human Rights Watch conducted research for this report in Rwanda, Congo, Uganda, Burundi, and Kenya between 2010 and 2017.

Human Rights Watch has confirmed 104 cases of people who were illegally detained and in many cases tortured or ill-treated in military detention centers in Rwanda during this seven-year period. Yet the actual number of cases is likely much higher. Due to the secret nature of torture, enforced disappearances, and illegal and arbitrary detention, and the fear of many former detainees that speaking out may lead to reprisals by authorities, it is extremely difficult to confirm the total number of people unlawfully detained by the military during the period covered by this report.

While most cases documented by Human Rights Watch occurred between 2010 and 2014, Human Rights Watch interviewed five people detained and tortured in military custody in 2016 and heard credible accounts about several other more recent cases, including in early 2017, indicating that these violations continued.

Many of the detainees, including FDLR combatants and civilians, were arrested in Rwanda by military officials, sometimes assisted by police, intelligence, or local government officials. Others were arrested and ill-treated in neighboring Burundi or Congo, some while being processed through the demobilization and repatriation program supported by the United Nations peacekeeping mission in Congo. They were then illegally transferred to Rwanda, where they were subjected to abuse.

Most of the detainees were held near the capital, Kigali, or in northwestern Rwanda. Many were held at multiple locations during their detention. In the cases documented by Human Rights Watch, detainees were held at unofficial military detention centers, including at the premises of the Ministry of Defence (known as MINADEF), at Kami military camp, at Mukamira military camp, at a military base known as the “Gendarmerie,” at detention centers in Bigogwe, Mudende, and Tumba, and at private homes used as detention centers. Human Rights Watch is not aware of any Rwandan laws or statutes allowing for the military or other authorities to detain people at these locations.

To force them to confess, or to incriminate others, officials severely tortured or ill-treated most of the detainees interviewed by Human Rights Watch. Several former detainees gave accounts of severe beatings, electric shocks, asphyxiation, and mock executions. Former detainees were held for up to nine months in extremely harsh and inhuman conditions,

with insufficient food and water to meet their basic needs. Human Rights Watch received allegations it was unable to verify that some detainees were killed.

At the time of arrest, family members or friends often witnessed state agents taking people away, with authorities rarely revealing their whereabouts or any other information. Most of these arrests could therefore be described as enforced disappearances, and almost all were incommunicado detention. Most families only saw their loved ones after they were released or transferred to an official detention facility, several months later. Some families believed the detained family members had died. Human Rights Watch documented cases in which people believed to be held in military custody have never returned, and appear to have been forcibly disappeared.

Kami military camp has a reputation as the most notorious torture and interrogation center. Human Rights Watch interviewed 39 people detained there between 2010 and 2016, and received information about many other cases. Many former detainees described beatings, asphyxiation, the use of acid to burn skin, and mock executions, as interrogators sought to extract information about their alleged links with the FDLR or opposition groups. Many were held in isolation, sometimes in a constantly dark or brightly lit cell.

Human Rights Watch interviewed 11 people who were detained and severely beaten at MINADEF in 2010 before they were transferred to Kami.

Human Rights Watch interviewed 25 former detainees of Mukamira military camp, located between Musanze and Rubavu, in northwestern Rwanda, some who were detained as recently as May 2016. Beatings were commonplace in Mukamira, and some former detainees told Human Rights Watch that military or intelligence officials tortured them or threatened to kill them, if they would not confess.

In numerous cases, Rwandan officials first took detainees who were arrested near the Congolese border or in Congo to a military base known as the “Gendarmerie,” in Rubavu district. Seventeen former detainees told Human Rights Watch how military officials hit detainees at the “Gendarmerie” or beat them with sticks and detained them in holes in the ground.

In many cases, after several months of illegal detention—and often only after detainees had signed a statement under torture—the Rwandan authorities transferred them to official detention centers, including civilian prisons, and they were then charged and put on trial. The period of their detention in military centers was erased from the public record. Police

statements seen by Human Rights Watch claimed the detainees had been arrested just before their transfer to the regular justice system.

Despite being told not to reveal the abuses they faced in detention, many of the defendants told judges they had been illegally detained or tortured in military detention centers. Human Rights Watch is not aware of any judges ordering an investigation into such allegations or dismissing evidence obtained under torture, despite clear legal obligations under international human rights law to do so.

In many cases, the defendants did not receive a fair trial. Many were sentenced to lengthy prison terms, including life imprisonment, sometimes partly or entirely based on confessions or witness testimonies obtained under torture. Many are still in prison. Others were acquitted and released after lengthy pretrial detention.

Since around 2005, conditions in Rwanda's official civilian prisons have improved considerably. In the years following the 1994 genocide, severe overcrowding and other prison conditions amounting to cruel, inhuman, and degrading treatment led to the death of many prisoners. Since then, the authorities have released several thousand prisoners, thereby significantly reducing the overcrowding. Allegations of torture and ill-treatment in official civilian prisons have become rare since the mid-2000s. As this report shows, however, this progress stands in contrast with a parallel circuit of unofficial military detention centers, in which detainees, including civilians, have been subjected to serious violations over many years.

Most of the violations described in this report were committed by members of the Rwandan military, including military intelligence operatives, who have benefited from a system of impunity. Human Rights Watch is not aware of any disciplinary or judicial action against military or intelligence officials for illegal detention or torture in military centers during the period covered by this report.

The FDLR have carried out killings, rapes, and other serious abuses against civilians in eastern Congo. Many of the abuses faced by detainees and documented in this report are a result of attempts by the Rwandan government to punish the FDLR and its sympathizers for the group's incursions into Rwanda and to extract information regarding potential future attacks. While the Rwandan government has a responsibility to protect its borders and ensure security for all its citizens, this should be done in full respect of the law. International and Rwandan law prohibit torture, illegal and arbitrary detention, enforced disappearances, and other human rights violations described in this report.

In June 2015, in a promising move, Rwanda ratified the Optional Protocol to the Convention against Torture (OPCAT), which requires ratifying states to set up a national preventive mechanism for the prevention of torture at the domestic level. The Rwandan government has yet to create this mechanism, despite a deadline in the OPCAT to do so one year after ratification. However, a process to establish the mechanism has commenced and consultations are ongoing. There are indications that this mechanism may be managed through the National Commission for Human Rights.

At the end of 2017, Rwanda will be reviewed by the UN Committee Against Torture (CAT), a body of 10 independent experts that monitors the implementation of the Convention against Torture.

The UN Subcommittee on the Prevention of Torture, a monitoring body of the OPCAT comprised of international experts, will conduct a state visit to Rwanda in October 2017.

Human Rights Watch shared the findings presented in this report with the government of Rwanda in December 2016, but despite repeated requests, and a second letter in August 2017, the government did not respond. Justice Minister Johnston Busingye told Human Rights Watch in 2014 that there should be zero tolerance for torture and that perpetrators should be brought to account. In 2016, in a submission for the CAT, the government stated that, “There is no unofficial detention in Rwanda.”

Human Rights Watch calls on the Rwandan authorities to immediately stop all unlawful detention and torture in military custody, to investigate all allegations of violations, including those contained in this report, and to bring the perpetrators to justice, in fair and prompt trials. The government should also disclose the whereabouts of all those subjected to enforced disappearance.

International donors to Rwanda’s justice and security sectors should press Rwandan authorities to immediately halt the practices of torture and other serious human rights violations documented in this report. Financial and other support to these sectors should be re-evaluated and only continue if concrete steps are taken to end these violations and hold the perpetrators to account. While international donors are quick to praise Rwanda’s remarkable economic progress since the 1994 genocide and have repeatedly rewarded the government with substantial aid packages, the darker underside of torture, enforced disappearances, and unlawful detention should not be ignored.

## **Recommendations**

### **To Rwandan Government, Military, and Judicial Authorities**

- Immediately cease arbitrary and unlawful detention and torture in military detention centers and ensure that no one is held in unofficial detention centers.
- Promptly release detainees who are held in unlawful military detention centers, or where there is sufficient and credible evidence of having committed a recognizable offence, charge them, transfer them to official detention centers, and ensure they receive a prompt trial that fully respects international fair trial standards.
- Ensure that all detainees are promptly brought before a prosecutor and a judge within the legally defined periods, and that arrests are not arbitrary and take place in accordance with the procedures and safeguards established by law.
- Investigate all allegations of torture, enforced disappearances, unlawful and arbitrary detention and arrests, even without an official complaint by victims or their families, and ensure that the perpetrators are brought to justice.
- Suspend members of the Rwanda Defence Force (RDF), regardless of rank, against whom there are credible allegations of involvement in serious human rights violations, pending investigations, and ensure that all personnel implicated in violations, as well as their commanders, are appropriately disciplined and prosecuted.
- Publicly and unequivocally condemn the practices of torture, enforced disappearances, ill-treatment, and unlawful and arbitrary detention, and make clear to the RDF, at all levels, that these practices will not be tolerated.
- Compensate victims of torture, ill-treatment, enforced disappearances, and unlawful and arbitrary detention adequately and speedily.
- Ensure that judges exclude from evidence any statements, confessions, and other information allegedly obtained through torture or ill-treatment. In cases in which detainees have been tortured, it may be that all alleged evidence is tainted by the torture and should not be used in any prosecution. In such cases, where it is not possible to guarantee a fair trial, detainees should be promptly released.
- Promptly provide information about detainees to their families, including their whereabouts, charges against them, if any, and allow detainees to receive visitors.
- Provide detainees with access to food, water, and medical care.



- Pending closure of unlawful military detention centers, ensure conditions of detention in all detention centers, including those mentioned in this report, are subject to independent monitoring by human rights monitors who can visit without prior notification and communicate privately with detainees.
- Ensure that all law enforcement personnel are appropriately trained on the absolute prohibition of torture and other inhuman and degrading treatment, and how to interrogate detainees in conformity with international human rights standards.
- Ratify the International Convention for the Protection of All Persons from Enforced Disappearance.
- Implement the Optional Protocol to the Convention against Torture (OPCAT) by establishing an independent national mechanism for the prevention of torture.
- Invite relevant human rights mechanisms to visit Rwanda, including the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the UN Working Group on Arbitrary Detention, and the African Commission on Human and Peoples' Rights.

## **To Rwanda's National Commission for Human Rights, Ombudsman, and Parliament**

- Investigate allegations of enforced disappearances, unlawful and arbitrary detention, and torture in military detention centers, report publicly on these investigations, and organize hearings with senior government officials.
- Publicly and unequivocally condemn torture, ill-treatment, enforced disappearances, and unlawful and arbitrary detention.

## **To International Donors to Rwanda's Justice and Security Sectors and Other Foreign Governments**

- Call on the Rwandan authorities to immediately implement the recommendations in this report, including by directing security personnel to desist from torturing detainees, investigating all allegations of torture and unlawful detention in military custody, and bringing those responsible to justice.
- Integrate compliance with human rights standards in programs to support the Rwandan military, security and justice sectors, and in political dialogue with the

Rwandan government, and monitor compliance with these standards at regular intervals.

- In the context of assistance to the justice sector, monitor judicial procedures to help ensure that trials are conducted in accordance with international fair trial standards.
- Re-evaluate financial and other support, including training and capacity-building, to institutions directly involved in human rights violations documented in this report and communicate clearly to the Rwandan government that such support will only continue if concrete steps are taken to end these violations and hold the perpetrators to account.
- Request permission to visit the military detention sites mentioned in this report and communicate privately with detainees.
- Under the principle of universal jurisdiction and in accordance with national laws, investigate and prosecute Rwandan officials suspected of committing the serious violations described in this report who may be visiting the relevant country.

### **To the UN, the World Bank, and Donors Supporting the DDRRR Program**

- Closely and systematically monitor the situation of former combatants returned from Congo to Rwanda through the disarmament, demobilization, repatriation, reintegration, and resettlement (DDRRR) program and take measures to prevent illegal transfers from Congo to Rwanda and human rights abuses such as arbitrary and unlawful detention and torture.
- Establish, together with the Rwandan authorities, clear procedures for monitoring the situation of former combatants returned to Rwanda via the DDRRR program.
- Intervene with the Congolese and/or Rwandan authorities when MONUSCO, the peacekeeping mission in Congo, has credible information that a former combatant processed through the MONUSCO DDRRR program is illegally arrested, detained, and/or tortured in Congo or Rwanda.

### **To the African Commission on Human and Peoples' Rights**

- In accordance with the African Charter on Human and Peoples' Rights, conduct an immediate investigation into the cases outlined in this report and others.

- Urge the government of Rwanda to attend the forthcoming 61<sup>st</sup> ordinary session of the African Commission to ensure consideration of its combined 11<sup>th</sup>, 12<sup>th</sup> and 13<sup>th</sup> periodic report as well as to consider the cases outlined in this report.

### **To the UN Subcommittee on the Prevention of Torture**

- Inspect locations mentioned in this report during its upcoming state visit to Rwanda scheduled for October 2017 and publish the findings of this visit.
- Urge the government to establish an independent national preventive mechanism as soon as possible.

### **To the UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Working Group on Arbitrary Detention**

- Request an invitation from the Rwandan government to investigate torture and arbitrary detention in military custody, including through visits to the locations mentioned in this report, and publish the findings of such a visit.

## Methodology

This report is based on research conducted by Human Rights Watch between 2010 and 2017. Human Rights Watch interviewed more than 230 people, including 61 current and former detainees who had been held in military detention centers in Rwanda between 2010 and 2016; over 160 family members and friends of detainees; and 10 government and military officials, some of whom requested anonymity. Human Rights Watch also observed the trials of seven groups of people who said they were tortured while being held unlawfully at military detention centers and reviewed court statements regarding 21 illegal detention cases and statements given in court by 22 individuals.

Human Rights Watch conducted most of the interviews for this report in Rwanda; others were conducted in Burundi, Congo, Kenya, and Uganda. Five interviews were conducted over the phone. Human Rights Watch staff explained to each interviewee the purpose of the interview, its voluntary and confidential nature, the way in which the information would be used, and that no compensation would be provided.

Names and other identifying information of detainees and other sources have been withheld to protect interviewees from possible reprisals. However, in some cases, former detainees insisted that their identity should be revealed. Some detainees were too afraid or traumatized to describe what had happened to them.

Human Rights Watch faced numerous challenges conducting research for this report. The Rwandan government has restricted access to the country to several Human Rights Watch researchers and other staff between 2008 and 2017, making it difficult to access potential interviewees.

Between 2011 and 2016, Human Rights Watch repeatedly sought authorization, in person and in writing, from the Rwandan Correctional Services (RCS) to visit detainees transferred from military custody to regular prisons, as well as other prisoners. The RCS granted the authorization in 2012, which enabled a Human Rights Watch researcher to visit Kigali Central Prison twice. Human Rights Watch visited Rubavu Central Prison several times between 2012 and 2014. However, in December 2014, the RCS informed Human Rights Watch that its prison authorization was no longer valid, without providing a reason. Two

years later, Human Rights Watch asked the Ministry of Justice to facilitate access to civilian prisons, but did not receive a response.

On December 14, 2016, Human Rights Watch sent a detailed letter outlining the findings presented in this report to the Rwandan minister of justice, requesting the government's response to the findings, but received no response, despite a dozen reminders. A senior Human Rights Watch staff visited Kigali in February 2017 to discuss the research findings, but no government official was willing to hold a meeting. In addition, Human Rights Watch sent a second letter to the minister of justice in August 2017 (see Appendix II), but there was no response.

Human Rights Watch also wrote to the National Commission for Human Rights (NCHR) on January 30, 2017. The NCHR invited Human Rights Watch to a meeting in Kigali, but Human Rights Watch's researcher was unable to secure a Rwanda entry visa to attend the meeting. Human Rights Watch proposed a telephone meeting with the NCHR, but the commission members did not respond. The NCHR did not provide a written response to the January 2017 letter. Human Rights Watch wrote a second time to the NCHR, in August 2017, but received no response (see Appendix III).

Human Rights Watch also wrote to MONUSCO on February 27, 2017. MONUSCO's April 14 response is reflected in this report.

# I. Background

Between April and July 1994, more than half a million people were killed in Rwanda in a genocide on an unprecedented scale, perpetrated by Hutu political and military extremists against the Tutsi minority.<sup>1</sup> The genocide ended in July 1994, when the Rwandan Patriotic Front (RPF), a predominantly Tutsi rebel group, defeated the Rwandan army and government and took over the country. The RPF established a new government, and has since been the ruling party in Rwanda.

Since the genocide, Rwanda has made great strides in rebuilding the country's institutions and infrastructure, which were almost completely destroyed in 1994. The Rwandan government has developed the economy, delivered public services, and made progress in reducing poverty. It has set itself ambitious priorities for the country's development, which it has pursued with determination over the last 23 years.

However, there is a dark side to Rwanda's post-genocide economic and infrastructural development. From the outset, the RPF did not tolerate any criticism, dealing ruthlessly with real or suspected opponents, through extrajudicial killings, enforced disappearances, torture, and unlawful detention, as well as threats, intimidation, harassment, and intense physical surveillance.

The military has been and remains at the heart of the RPF's system of repression. Officials of the Rwandan Patriotic Army (RPA), renamed the "Rwanda Defence Force" (RDF) in 2002, have been responsible for serious human rights violations since the RPF took power after the genocide. Few have been brought to justice for these crimes.

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<sup>1</sup> The Rwandan Patriotic Front (RPF), a politico-military movement made up largely of ethnic Tutsi, invaded Rwanda in 1990 from its base in southern Uganda with the declared aim of assuring the right to return of refugees, many of whom had been living in exile for a generation, and of ending the rule of President Juvenal Habyarimana, who was, like most government officials at the time, an ethnic Hutu. After nearly three years of alternating between combat and negotiations, an airplane carrying Habyarimana was shot down in April 1994. Combat resumed and the Rwandan government, assisted by tens of thousands of soldiers, militia fighters and ordinary citizens, carried out a genocide against Tutsi civilians, whom they treated as enemy combatants. For a detailed account of the genocide in Rwanda, see Human Rights Watch/Fédération Internationale des Ligues des Droits de l'Homme, *Leave None to Tell the Story: Genocide in Rwanda* (New York: Human Rights Watch/Fédération Internationale des Ligues des Droits de l'Homme, 1999), <https://www.hrw.org/reports/pdfs/r/rwanda/rwanda993.pdf>.

As the RPF took over the country in the final days of the genocide, hundreds of thousands of people, mostly Hutus, fled Rwanda and sought refuge in neighboring countries. They included members of the Interahamwe militia<sup>2</sup> and the former Rwandan army (Forces armées rwandaises, FAR), known as “ex-FAR.” Hutu armed groups, with a base in Congo, commonly referred to in Rwanda as “infiltrators,”<sup>3</sup> launched deadly attacks in Rwanda, primarily against Tutsi, in the late 1990s.

The RPA countered these attacks with vast counterinsurgency operations, in which many civilians were killed, particularly those who lived in northwestern Rwanda, which is the birthplace of many of the former Hutu leaders and is often regarded as a Hutu stronghold.

The presence of these Hutu armed groups in eastern Congo served as the justification for the RPA to invade the country in 1996 and 1998, with devastating consequences, and to support a succession of murderous Congolese armed groups in the following years.<sup>4</sup>

## The FDLR

After using different names over a period of years, the main Rwandan Hutu armed group in Congo eventually called itself the “Democratic Forces for the Liberation of Rwanda” (Forces démocratiques pour la libération du Rwanda, FDLR). The FDLR still operates in eastern Congo today. Many of the armed group’s members in 2017 are too young to have participated in the genocide; however, some of its current leaders and combatants did participate in the genocide.

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<sup>2</sup> The Interahamwe (meaning “those who stand or attack together” in Kinyarwanda) were the youth wing of the former ruling party in Rwanda, the Mouvement républicain national démocratique (MRND). The term “Interahamwe” is often used more widely to refer to militia and other armed groups and individuals who participated in the genocide.

<sup>3</sup> “Infiltrator,” or “*abacengezi*” in Kinyarwanda, is a term often used to describe those who wish to destabilize Rwanda, particularly those with links to the FDLR and former Interahamwe who have infiltrated Rwanda from Congo and other neighboring countries.

<sup>4</sup> Thousands of Rwandan and Congolese civilians were killed by the RPA and their Congolese allies, as documented in a 2010 mapping report by the Office of the UN High Commissioner for Human Rights. For details, see “DR Congo: Q & A on the United Nations Human Rights Mapping Report,” Human Rights Watch Q & A, October 1, 2010, <https://www.hrw.org/news/2010/10/01/dr-congo-q-united-nations-human-rights-mapping-report>. The Rwandan army continued to support Congolese rebel groups who committed serious human rights abuses, at least until 2013. See, for example, “DR Congo: M23 Rebels Kill, Rape Civilians,” Human Rights Watch news release, July 22, 2013, <https://www.hrw.org/news/2013/07/22/dr-congo-m23-rebels-kill-rape-civilians>.

The FDLR has committed, and continues to commit, horrific abuses against Congolese civilians in eastern Congo, sometimes in alliance with Congolese armed groups.<sup>5</sup> In July 2012, the International Criminal Court (ICC) issued an arrest warrant for Sylvestre Mudacumura, the military commander of the FDLR, on nine counts of war crimes in eastern Congo, including attacking civilians, murder, mutilation, cruel treatment, rape, torture, destruction of property, pillaging, and outrages against personal dignity. Mudacumura is still at large. Human Rights Watch has documented serious atrocities committed by forces under Mudacumura's command and repeatedly called for his arrest.<sup>6</sup>

On September 28, 2015, a court in Germany convicted Ignace Murwanashyaka and Straton Musoni, the president and vice president of the FDLR, and sentenced them to 13 and 8 years in prison respectively. Murwanashyaka was found guilty of war crimes in respect of five FDLR attacks in eastern Congo and of leading a terrorist organization. Musoni was found guilty of leading a terrorist organization, but acquitted of war crimes and crimes against humanity.<sup>7</sup> This was the first time that FDLR leaders have been held to account.

Estimates of the FDLR's troop strength in 2016 ranged from 1,400 to 1,600 men. The Rwandan government cited a figure of 2,905.<sup>8</sup> Near the end of 2016, UN experts said that the rebel group had been significantly weakened, because of arrests, military operations and defections, in particular to a breakaway armed group, the National Council for Renewal and Democracy (CNRD).<sup>9</sup> Despite losing some of their military strength in recent years, the FDLR continued to conduct sporadic attacks into Rwanda. In April 2016, at least one attack took place in northwestern Rwanda, which the Rwandan Ministry of Defence attributed to "suspected FDLR terrorist elements."<sup>10</sup> Soon after the attack, 24 people were arrested for

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<sup>5</sup> See Human Rights Watch, *"You Will be Punished": Attacks on Civilians in Eastern Congo*, December 13, 2009, <http://www.hrw.org/reports/2009/12/13/you-will-be-punished>.

<sup>6</sup> See "DR Congo: Arrest Rebel Leader Wanted by ICC," Human Rights Watch news release, July 13, 2015, <https://www.hrw.org/news/2015/07/13/dr-congo-arrest-rebel-leader-wanted-icc>; and "Arrest DR Congo Warlord," Human Rights Watch dispatch, July 13, 2017, <https://www.hrw.org/news/2017/07/13/arrest-dr-congo-warlord>.

<sup>7</sup> See "DR Congo: German Court Convicts Two Rwandan Rebel Leaders," Human Rights Watch news release, September 28, 2015, <https://www.hrw.org/news/2015/09/28/dr-congo-german-court-convicts-two-rwandan-rebel-leaders>.

<sup>8</sup> UN Group of Experts on the Democratic Republic of Congo, "Final Report," S/2016/466, May 23, 2016, [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/2016/466](http://www.un.org/ga/search/view_doc.asp?symbol=S/2016/466) (accessed October 5, 2017), para. 7.

<sup>9</sup> UN Group of Experts on the Democratic Republic of Congo, "Midterm Report," S/2016/1102, December 23, 2016, [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/2016/1102](http://www.un.org/ga/search/view_doc.asp?symbol=S/2016/1102) (accessed October 5, 2017), pp. 5-9.

<sup>10</sup> Ministry of Defence press release, April 16, 2016, [http://mod.gov.rw/news-detail/?tx\\_ttnews%5Btt\\_news%5D=3016&cHash=b75bo7dbb3d68208617173766845cf19](http://mod.gov.rw/news-detail/?tx_ttnews%5Btt_news%5D=3016&cHash=b75bo7dbb3d68208617173766845cf19) (accessed September 26, 2017).



illegally entering the country from Congo<sup>11</sup> and three village leaders were arrested for alleged collaboration with the FDLR, according to Rwandan media reports.<sup>12</sup> In August 2017, UN experts said that, “while weakened,” the FDLR “still showed resilience.”<sup>13</sup>

Between 2002 and June 2014, 12,427 combatants and 12,518 dependents returned from Congo to Rwanda through an official process of disarmament, demobilization, repatriation, reintegration, and resettlement (DDRRR).<sup>14</sup> Between January and October 2016, 141 non-Congolese FDLR combatants were processed via DDRRR.<sup>15</sup> By the end of 2016, 37,201 foreign combatants had been processed by MONUSCO and repatriated, predominantly to Rwanda, since the start of the DDRRR program. This includes some fighters from other foreign armed groups active in eastern Congo.<sup>16</sup>

Former FDLR combatants who go through the DDRRR process transit through camps in eastern Congo administered by the UN mission in Congo, MONUSCO. MONUSCO oversees the DDRRR process on the Congolese side, and then arranges the transfer of demobilized FDLR members to the Rwanda Demobilization and Reintegration Commission (RDRC), a Rwandan government body. The RDRC then takes them to designated centers in Rwanda and assists them in reintegrating into social and economic life.

Many former FDLR members, including several of their commanders, appear to have successfully reintegrated into civilian life in Rwanda; some have even been given posts in government agencies. Others have been arrested on their return and prosecuted in Rwanda for security-related offenses, as illustrated in this report. A third category have resisted return and remain in Congo.

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<sup>11</sup> Théophile Niyitegeka, “Rubavu residents arrest 24 suspected FDLR collaborators,” *Igihe*, June 20, 2016, <http://en.igihe.com/news/rubavu-residents-arrest-24-suspected-fdlr.html> (accessed September 26, 2017).

<sup>12</sup> “Trois dirigeants couvrent les Fdlr dans leur attaque dans le secteur Bugeshi/Rubavu,” *Igihe*, April 28, 2016, <http://fr.igihe.com/arts/securite/trois-dirigeants-couvrent-les-fdlr-dans-leur.html> (accessed September 26, 2017).

<sup>13</sup> UN Group of Experts on the Democratic Republic of Congo, “Final Report,” S/2017/672/Rev.1, [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/2017/672/Rev.1](http://www.un.org/ga/search/view_doc.asp?symbol=S/2017/672/Rev.1) (accessed October 5, 2017), August 8, 2017, p. 7.

<sup>14</sup> MONUSCO, statistics of ex-combatants of foreign armed groups, <http://monusco.unmissions.org/en/statistics-ex-combatants-foreign-armed-groups> (accessed September 26, 2017).

<sup>15</sup> UN Group of Experts on the Democratic Republic of Congo, “Midterm Report,” December 23, 2016, S/2016/1102, annex 7.

<sup>16</sup> Letter from MONUSCO to Human Rights Watch, April 14, 2017, copy on file with Human Rights Watch.

## The Rwanda National Congress

In 2010, Gen. Kayumba Nyamwasa, a senior Rwandan military official who had held several top positions in the RPF and in the security forces, including army chief-of-staff, fled Rwanda to South Africa, where he sought asylum and became an outspoken critic of Rwandan President Paul Kagame. Together with other former senior RPF officials, he founded the Rwanda National Congress (RNC), an opposition group in exile.

The Rwandan government has repeatedly accused the RNC of collaborating with the FDLR, and of supporting and conducting terrorist activities in Rwanda.<sup>17</sup>

In January 2011, Nyamwasa and three RNC co-founders—all former senior government and army officials—were tried in absentia by a military court in Kigali and found guilty of endangering state security, destabilizing public order, “divisionism,” defamation, and forming a criminal enterprise. Nyamwasa and Théogène Rudasingwa, former secretary general of the RPF, were each sentenced to 24 years in prison, and Patrick Karegeya, former head of external intelligence, and Gerald Gahima, former Prosecutor General, to 20 years each.

Several RNC members or suspected members have been attacked, in Rwanda and abroad.<sup>18</sup> Among the most prominent are Nyamwasa himself, who narrowly escaped an assassination attempt in South Africa in June 2010, and Karegeya, who was found strangled in a hotel room in Johannesburg in January 2014. Other RNC members, or people suspected of links with the RNC, have been arrested, prosecuted, and convicted in Rwanda.<sup>19</sup>

## Grenade attacks

From 2008 to 2014, dozens of grenade explosions took place in Rwanda, mostly in the capital, Kigali, killing at least a dozen people and injuring many others.

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<sup>17</sup> “Kayumba plans to re-energize the FDLR – Col. Bisengimana,” *The New Times*, February 21, 2011, <http://www.newtimes.co.rw/section/read/28651/> (accessed September 26, 2017); Bosco R. Asiimwe, “Terror suspects implicate Kayumba,” *The New Times*, June 23, 2011, <http://www.newtimes.co.rw/section/read/32365/> (accessed September 26, 2017); and Edwin Musoni, “Kayumba terror network busted,” *The New Times*, June 29, 2011, <http://www.newtimes.co.rw/section/read/32538/> (accessed September 26, 2017).

<sup>18</sup> “Rwanda: Repression Across Borders,” Human Rights Watch news release, January 28, 2014, <https://www.hrw.org/news/2014/01/28/rwanda-repression-across-borders>.

<sup>19</sup> See, for example, “Ex-Military Officers Convicted Over Comments,” Human Rights Watch news release, April 1, 2016, <https://www.hrw.org/news/2016/04/01/rwanda-ex-military-officers-convicted-over-comments>.

Several grenade attacks took place in the period leading up to the presidential elections of 2010 and the legislative elections of 2013.<sup>20</sup> The 2010 attacks were particularly worrying, as they took place in a context of heightened political tensions, with reports of deepening divisions in the military. They coincided with Nyamwasa fleeing Rwanda in February 2010, the arrest, house arrest or demotion of several senior military officials, and, in December 2010, the official creation of the RNC.

Many people attributed these grenade attacks to the FDLR or the RNC, but the identity of the perpetrators was not conclusively established in each case. According to the Rwandan government, 18 grenade attacks were carried out by the FDLR in Rwanda between December 2009 and March 2011, killing 14 people and injuring 219.<sup>21</sup>

The grenade attacks triggered a series of arrests and prosecutions of people accused of collaborating with the RNC or the FDLR, several of which are documented in this report.

## History of Violations in Rwandan Military Detention

Human Rights Watch, Amnesty International, and other organizations have documented a longstanding pattern of unlawful detention and torture in military custody in Rwanda for most of the past 23 years. Some detainees were so badly tortured that they died of their injuries. Others were killed in detention. Many were held incommunicado, in extremely harsh conditions.<sup>22</sup>

The nature of some of these violations has barely changed, with striking similarities between former detainees' description of their treatment in military custody today and those of former detainees 15 or 20 years ago. Some of the same senior military or intelligence officials are still in charge, and some of the same locations, such as Kami and Mukamira camps, are still being used for these purposes.

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<sup>20</sup> President Kagame and the ruling RPF won both elections with a large majority, in a context of tight restrictions on freedom of expression and political space. See "Attacks on Freedom of Expression, Freedom of Association and Freedom of Assembly in the Run-up to Presidential Elections, January to July 2010," Human Rights Watch chronology, August 2, 2010, <https://www.hrw.org/news/2010/08/02/rwanda-silencing-dissent-ahead-elections>.

<sup>21</sup> Rwandan government statistics on grenade attacks carried out in Rwanda between December 2009 and March 2011, in UN Group of Experts on the Democratic Republic of Congo, "Final Report," S/2011/738, December 2, 2011, [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/2011/738](http://www.un.org/ga/search/view_doc.asp?symbol=S/2011/738) (accessed September 26, 2017), Annex 20, p. 195.

<sup>22</sup> Carina Tertsakian, *Le Château: The Lives of Prisoners in Rwanda* (London: Arves Books, 2008), pp. 218-235.

In 1997, 300 men were reportedly detained in Mukamira after search and cordon operations in northwestern Rwanda.<sup>23</sup> In September 1999, Amnesty International reported that the RPA detained six men accused of theft in Mukamira and tortured several of them; one died as a result of torture.<sup>24</sup> In 2003, military authorities told the National Commission for Human Rights (NCHR) that a military officer was imprisoned in Kami and “that it is the Department of Military Investigation which was in charge of that jail.” Members of the NCHR subsequently visited the detainee and concluded that he was detained illegally.<sup>25</sup> In 2006, a United States District Court rejected the confessions of three Rwandans accused of murdering US citizens in Bwindi, Uganda, in 1999. The judge held that the confessions had been coerced by Rwandan police and intelligence agents through “unconscionable conditions and abuse at Kami military camp.”<sup>26</sup> In 2007, 10 members of a Rwandan dissident political organization arrested in Uganda were held in Kami, according to a leaked US diplomatic cable.<sup>27</sup>

In the years following the 1994 genocide, victims of unlawful detention and torture in military custody included armed opponents—notably members of the FDLR and ex-FAR—but also civilians accused of collaborating with these groups. Some were eventually transferred to civilian prisons and tried for genocide-related crimes or security offenses in the post-genocide years. Some have since been released.

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<sup>23</sup> Human Rights Watch, *World Report 1997* (New York: Human Rights Watch, 1997), Rwanda chapter, <https://www.hrw.org/reports/1997/WR97/AFRICA-07.htm>.

<sup>24</sup> Amnesty International, “Rwanda: no business of the military: Illegal detention and beatings of civilian tea workers in Mukamira army camp result in death,” February 1, 2000, <https://www.amnesty.org/en/documents/afr47/002/2000/en/> (accessed September 26, 2017).

<sup>25</sup> National Commission for Human Rights, “Annual Report 2003,” July 2004, [http://www.cndp.org.rw/fileadmin/user\\_upload/reports/Annual%20report%202003.pdf](http://www.cndp.org.rw/fileadmin/user_upload/reports/Annual%20report%202003.pdf) (accessed September 26, 2017), p. 18.

<sup>26</sup> *United States of America v. François Karake et al.*, United States District Court for the District of Columbia, Criminal Action No. 02-0256(ESH), August 17, 2006, p. 2.

<sup>27</sup> Wikileaks, “Uganda Hands Rwanda 10 Members of Dissident Group,” March 21, 2007, [https://wikileaks.org/plusd/cables/07KIGALI291\\_a.html](https://wikileaks.org/plusd/cables/07KIGALI291_a.html) (accessed September 26, 2017).

## II. Torture and Unlawful Detention in Military Centers

Human Rights Watch has documented 104 cases of people who were illegally detained and in many cases tortured or ill-treated in military detention centers in Rwanda between 2010 and 2016. Former detainees described how military officials interrogated them, mostly about their alleged links to the FDLR and involvement in grenade attacks or other threats to Rwanda's security. To force them to confess, or provide information about other suspects, military officials subjected detainees to various forms of torture and ill-treatment. Some detainees were subjected to these violations in several locations as they were transferred from one detention center to another.

### Kami

Camp Kami, run by the RDF, lies just outside Kigali, in the hills of Gasabo district. The military camp is situated in a small forest in Gashura cell, northeast of the antennae of the former Deutsche Welle radio station at Kinyinya hill, a well-known landmark that several former detainees recognized during their detention. The camp was renovated in 2013 to house approximately 1,600 soldiers.<sup>28</sup>

Human Rights Watch interviewed 39 people who said they were detained in Kami between 2010 and 2016 and spent between two weeks and nine months there. Most were men, but Human Rights Watch also interviewed three women, one of whom was detained in Kami for eight months. Interviewees mentioned dozens of other former detainees whom they saw in Kami; Human Rights Watch confirmed, through multiple sources, the presence of at least nine of them.

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<sup>28</sup> "RDF rehabilitates Kami Barracks," Ministry of Defence press release, date unknown, [http://mod.gov.rw/news-detail/?tx\\_ttnews%5Btt\\_news%5D=687&cHash=a6450bodd34e8a3f76905aa951d22a07](http://mod.gov.rw/news-detail/?tx_ttnews%5Btt_news%5D=687&cHash=a6450bodd34e8a3f76905aa951d22a07) (accessed September 26, 2017).



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During trials observed by Human Rights Watch, at least 13 defendants mentioned in court that they had been detained in Kami.<sup>29</sup> On one occasion, the prosecution also mentioned that an accused had been interrogated in Kami.<sup>30</sup>

### *Beatings and Forced Confessions*

Twenty-seven former detainees told Human Rights Watch that they were tortured in Kami. RDF officials interrogated and beat them upon arrival. They used metal bars, wooden sticks, hammers, and other objects to hit detainees, often on their back and feet, sometimes forcing them into various positions to facilitate the beatings. Often, detainees were handcuffed or blindfolded.

One former detainee, arrested in September 2010, told Human Rights Watch:

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<sup>29</sup> Human Rights Watch trial observation, Kigali, March 28, 2011 and November 28, 2011; Kanombe, October 3, 2014; and Musanze, May 27, 2015. *Prosecutor v. Mukeshimana Jean Berchmans et al.*, Kigali High Court, Case No. RP0027/11/HC/KIG-RP 0036/11/HC/KIG, January 13, 2012. *Prosecutor v. Mukeshimana Jean Berchmans et al.*, Supreme Court, Case No. RPA 0090/12/CS, March 4, 2016.

<sup>30</sup> *Prosecutor v. Mukeshimana Jean Berchmans et al.*, Supreme Court, Case No. RPA 0090/12/CS, March 4, 2016, para. 101.

[When we arrived] at Kami I got out of the truck.... I was still blindfolded and they switched the handcuffs to put my arms behind my back. They told me to lie on the ground. Two soldiers came and stood on me, one on my head and one on my feet. They stood on me and beat me. Then they changed my position. They made me curl up into a ball and tied me up and then they pulled my legs and arms. They did this for hours and kept telling me to confess. I said: "I cannot confess to what I do not know." They were furious with me.... Then another man put his fingers in my eyes and said, "We will force you to confess." Since then I have had pain in my eyes, even now. It felt like they were doing that for several minutes. After that, I said, "Bring me a paper and I will confess to whatever you want. I will sign."<sup>31</sup>

Another former detainee, held at Kami in 2013, told Human Rights Watch: "They slammed my hand with an iron rod. All they wanted to hear was, "Yes. Yes. Yes, I am FDLR." I was beaten every day for two months. Most of the time they beat me on my hands and my feet."<sup>32</sup>

For others, the beatings and interrogations started a few days after they arrived. A man arrested in April 2014 told Human Rights Watch:

They [intelligence officials] took my blindfold off and a man in civilian clothes was sitting at a table. He said, "Ok, you will tell the truth." His first question was, "Tell us how many times you met the FDLR." I was surprised and I said, "God help me, I know nothing about that." He said, "Ok, sit on the ground then." Then another man started to beat me on my feet, while two others held me down. I was handcuffed. While they were beating me, they yelled, "Tell us how many people you recruited for the FDLR!" I said, "I know nothing about the things you are asking!" The man yelled, "Tell us how many people you sent to Congo!" I started to explain [why I sometimes went to Congo for business]. But they kept on with their questions: "Tell us who you met there! Tell us the names of the FDLR who went there!" With each question the other men would continue to beat me.... I begged them

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<sup>31</sup> Human Rights Watch interview with former detainee, Cyanguu, June 13, 2012.

<sup>32</sup> Human Rights Watch interview with former detainee, Rubavu, May 5, 2014.

to stop.... They said, “No, you will tell us which FDLR leaders you saw there. Tell us how many soldiers you met.” I said I never worked for the FDLR. It went on like that for one hour. After each question, they beat me. After that, they gave me a piece of paper and said, “Sign this.” I only had a moment to look at it, then I signed it.<sup>33</sup>

Another former detainee, arrested in April 2014, told Human Rights Watch that despite severe beatings, he had continued denying being an FDLR member:

After they beat me, a man said to me, “Ok, we asked you calmly. Now we will show you.” They took out a special rope and tied it across my chest. Then a big man pulled it ... it hurt very badly. They asked me more questions, but I still denied [being an FDLR member]. The man in charge said to the others, “No, that is not sufficient.” They tied my feet and turned me upside down. Another man entered and they started to beat me with metal clubs. I continued saying I didn’t know anything about the FDLR. It lasted over an hour until I lost consciousness.... When I woke up, I was in a cell. I spent three days without food or water. On the third day, I was given corn and a small bottle of water. It hurt when I ate. I only drank a small amount of water. I couldn’t move, I didn’t have any strength, I couldn’t speak. I was hurting all over. They had beaten me all over my body.<sup>34</sup>

During interrogations, military officials often threatened to kill detainees if they would not give them the answers they demanded. A former detainee, who was in Kami in 2016, told Human Rights Watch that when he insisted he had no links with the FDLR, his interrogator pulled out a pistol and pointed it at him. He was threatened with death, but not killed.<sup>35</sup>

### *Electric Shocks, Asphyxiations, Acid Burns and Mock Executions*

Former detainees from Kami told Human Rights Watch how military and intelligence officials used electric shocks, asphyxiations, acid to burn skin, and mock executions to

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<sup>33</sup> Human Rights Watch interview with former detainee, Rubavu, October 28, 2014.

<sup>34</sup> Human Rights Watch interview with former detainee, Rubavu, October 29, 2014.

<sup>35</sup> Human Rights Watch interview with former detainee, Musanze, October 12, 2016.





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force them to confess or to incriminate others.<sup>36</sup> A former detainee, arrested in March 2014, told Human Rights Watch about some of the torture methods:

I can start with my own case. When they put you in the torture chamber, they take off the blindfold. They put a black plastic bag over your head until you can't breathe. When I was about to suffocate, they took it off and asked me questions about political parties.... Another way they torture people is: they take a poncho and tie it around your neck. They lift the bottom over your head and fill it with water. Another method is: they take your fingers and wrap electrical wire around them and make you put your finger in a socket. They did this to me once. They put your finger in and out to make you talk. If they left your finger in the socket, it could kill you; but they put it in and out. Another way they torture you is: they take a sack and put stones in it, and then they attach it to your testicles with an elastic cord.<sup>37</sup>

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<sup>36</sup> Amnesty International also reported on the use of electric shocks at Kami. See Amnesty International, "Rwanda: Shrouded in Secrecy: Illegal detention and torture by military intelligence," October 8, 2012, <https://www.amnesty.org/en/documents/AFR47/004/2012/en/> (accessed September 27, 2017), p. 17.

<sup>37</sup> Human Rights Watch interview with former detainee, Goma, DR Congo, October 28, 2014.



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When some detainees refused to confess, RDF officials resorted to asphyxiation or mock executions. A former detainee, arrested in August 2010, described his ordeal:

He [an RDF official] took me into the bush. It was still in the camp. He made me lie on my stomach. He was accompanied by three other soldiers. He showed me a pistol and told me to touch it. He said, “Do you understand what this is? Will you accept [that you are FDLR] or not?” I said that I could not accept. He said, “Do you want to die by the bullet or by the hoe? You can choose.” I said, “I can’t confess to what I have not done.” They started to dig [a hole] right next to me. They brought a plastic bag and put it over my head and started to ask questions. After a few minutes, when they saw that I was suffocating, they stopped. They said, “Now will you accept?” I said, “I cannot confess to what I do not know.” They put the bag over my head maybe four times. When I defecated in my pants, they stopped. I thought I was going to die.<sup>38</sup>

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<sup>38</sup> Human Rights Watch interview with former detainee, Huye, June 27, 2012.

Other detainees (see also Boxes 1, 3, 4, and 6) described to Human Rights Watch the use of asphyxiation, electric shocks, mock executions and the tying of objects to men's genitals. They said they ended up signing false statements because they could not stand the torture or believed they would die.

A man detained in Kami in 2010 told Human Rights Watch that military beat him, put a bag over his head, and poured acid over him, causing serious burns on his skin.<sup>39</sup> Two other former detainees also mentioned the use of acid in their appeal hearings in court.<sup>40</sup>

### **Box 1 – Kami and Victoire Ingabire's Trial**

On October 30, 2012, Victoire Ingabire, president of the FDU-Inkingi opposition party, was convicted of conspiracy to undermine the government and genocide denial, and sentenced to eight years in prison. In December 2013, the Supreme Court increased her sentence to 15 years. Human Rights Watch observed her trial which was flawed in several respects. Among other things, it included politically motivated charges, such as “genocide ideology,” divisionism, and spreading rumors intended to incite the public to rise up against the state, and there were doubts about the reliability of some of the evidence.<sup>41</sup>

During the trial, it emerged that three of Ingabire's four co-defendants—Vital Uwumuremyi, Tharcisse Nditurende, and Noel Habiwaremye, all members of the FDLR—had been detained in Kami for several months in 2009 and 2010. Nditurende and Habiwaremye said in court that they were held there incommunicado. A defense witness, Michel Habimana—a former FDLR spokesperson also known as Edmond Ngarambe—, said in court that he was detained in Kami at the same time as Uwumuremyi in 2009. He said that intelligence agents asked him and Uwumuremyi to incriminate Ingabire. Uwumuremyi agreed to do so, despite admitting to Habimana privately that he did not even know Ingabire. Despite this statement in court, the judges did not discount Uwumuremyi's statement against Ingabire.<sup>42</sup>

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<sup>39</sup> Human Rights Watch phone interview with former detainee, September 12, 2016.

<sup>40</sup> Appeal hearing documents on file with Human Rights Watch, February 2012 and October 2015.

<sup>41</sup> “Rwanda: Eight-Year Sentence for Opposition Leader,” Human Rights Watch news release, October 30, 2012, <https://www.hrw.org/news/2012/10/30/rwanda-eight-year-sentence-opposition-leader>. See also Amnesty International, “Rwanda: Justice in Jeopardy: The First Instance Trial of Victoire Ingabire,” March 23, 2013, <https://www.amnesty.org/en/documents/AFR47/001/2013/en/> (accessed September 30, 2016).

<sup>42</sup> Human Rights Watch trial observation, Kigali High Court, November 11, 14, and 21, 2011; and April 11, 2012.

Separately from Ingabire's trial, Human Rights Watch spoke to three former detainees who Rwandan soldiers had interrogated about their links with Ingabire: two in Kami in 2010, the other in a private house used as a detention center in Rubavu, in 2014.<sup>43</sup> One of the former detainees from Kami told Human Rights Watch, "They asked me to accuse her [Ingabire] of complicity with the FDLR and to say she was involved in the grenade attacks."<sup>44</sup> Another man, who was in Kami around the same time, told Human Rights Watch, "I saw men who had their testicles squeezed to get them to admit that they collaborated with Victoire [Ingabire] and Nyamwasa."<sup>45</sup>

Another former detainee told Human Rights Watch that in November 2010, military officers had asked him and several other detainees in Kami to accuse Ingabire, but he refused.<sup>46</sup> This was confirmed by one of his co-detainees.<sup>47</sup>

## MINADEF (Headquarters of the Ministry of Defence)

In 2010, RDF officials took several people suspected of having links with the FDLR to the Ministry of Defence headquarters (known by its acronym, MINADEF) in Kigali, before transferring them to Kami. Most were held at MINADEF for just one or two days. The ministry is in a multi-story building in Kimihurura, in central Kigali. Former detainees told Human Rights Watch that they were first taken to a large meeting room, where other detainees were often present, and were then singled out and taken to a smaller office where most of the interrogations and torture took place.

Human Rights Watch spoke to 11 people who said that they had transited through MINADEF. Two others mentioned in court that they had been detained at MINADEF.<sup>48</sup>

### *Beatings and Forced Confessions*

Ten former detainees interviewed by Human Rights Watch described how RDF officials beat them at MINADEF to force them to confess to involvement in grenade attacks.

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<sup>43</sup> Human Rights Watch interviews with former detainees, Cyangugu, June 13, 2012; and July 17, 2014, Rubavu, January 29, 2014.

<sup>44</sup> Human Rights Watch interview with former detainee, Cyangugu, June 13, 2012.

<sup>45</sup> Human Rights Watch interview with former detainee, Rubavu, January 30, 2014.

<sup>46</sup> Human Rights Watch interview with former detainee, Uganda, July 10, 2012.

<sup>47</sup> Human Rights Watch interview with former detainee, Burundi, April 29, 2012.

<sup>48</sup> Human Rights Watch trial observation, Kigali High Court, March 28, 2011.

One man, arrested in June 2010, told Human Rights Watch:

Lieutenant-Colonel [Faustin] Tinka<sup>49</sup> asked me, “There have been explosions in Kigali. Do you know who is throwing the grenades?” I said no. He said, “If you don’t want to tell us easily, you will tell us by force.” [Then] they put me in an isolated room [and] hit me with metal rods, slapped me and punched me. I was bleeding from the mouth. One of them put a plastic wrapper—the type used to wrap water bottles—into my mouth and kicked it into my mouth with his foot. I was bleeding. Captain Murenzi<sup>50</sup> was beating me.<sup>51</sup>

Another man, arrested in August 2010, was briefly detained at MINADEF, and then transferred to Kami for six months. He told Human Rights Watch:

At MINADEF I was taken to a large room. There were many men in civilian clothes. They asked me about [other men accused of throwing grenades]. They started to hit me on the head with their hands. They asked, “Are you part of the group that threw grenades?” I said, “I do not know who threw the grenades.” They beat me and took me to the office of a high-ranking military official. He asked me the same question and I gave the same answer. He said to the others, “Go, make him understand that he needs to say certain things.” They took me away and started beating me again. They ripped my shirt off and tied it around my face and hit me and kicked me. When they were hitting me in the face, my lip started to hurt and I started to bleed a lot, so they stopped when they saw all the blood.<sup>52</sup>

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<sup>49</sup> Seven former detainees mentioned in 2010 Lt.-Col. Faustin Tinka’s involvement in interrogations at MINADEF and Kami. Several former detainees told Human Rights Watch that Tinka worked for the military intelligence services.

<sup>50</sup> Eight former detainees told Human Rights Watch that an official known as Captain Murenzi oversaw interrogations, forced confessions and torture in Kami and MINADEF in 2010. Human Rights Watch was unable to confirm his first name or his function.

<sup>51</sup> Human Rights Watch interview with former detainee, Kampala, Uganda, July 10, 2012.

<sup>52</sup> Human Rights Watch interview with former detainee, Kigali, June 22, 2012.



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### *Electric Shocks and Threats*

A former detainee, arrested in June 2010, told Human Rights Watch how a man, who he overheard being called an army captain, subjected him to electric shocks at MINADEF:<sup>53</sup>

[The army captain]<sup>54</sup> put an electric gadget on my back. It was small and long, and looked like a pen. It was plugged into the wall with a wire. [When he used it] I fell on the ground and passed out. When I woke up, they gave me a paper and pen, and asked me to write down the names of the people who had carried out grenade attacks. I took the pen and just wrote the date. I said I couldn't write the names as I didn't know them. They tortured me again. I was on the ground. They kicked me and punched me and slapped me, mostly on my back, my chest, and my head. My throat hurt. I couldn't speak properly for about five months. They were trying to force me to give them the names of people involved in the grenade attacks. The torture lasted about two or three hours. They tortured my genitals. [A soldier] did this by squeezing my

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<sup>53</sup> In 2012, Amnesty International also reported that two former detainees had mentioned the use of electronic devices during interrogations in MINADEF. See Amnesty International, "Rwanda: Shrouded in Secrecy," p. 17.

<sup>54</sup> Many former detainees mentioned names of military and other officials involved in torture and other abuses. This report only mentions the names of those whose presence was confirmed by multiple sources.

testicles. Others hit me at the same time. They did this to other detainees too. I was handcuffed with my hands behind my back.<sup>55</sup>

After interrogating them at MINADEF, RDF officials took many of those accused of launching grenade attacks to Kami, individually or in small groups. Former detainees told Human Rights Watch they were terrified of being transferred to Kami. One man told Human Rights Watch that a soldier told him, “If you don’t tell us now, you will tell us later ... you will answer our questions.”<sup>56</sup> Another said, “At about five in the morning they came in and put our shirts over our faces. We were taken out and put into a pick-up truck.... I thought I was going to be killed. We were taken to a military camp. I later learned we were at Kami.”<sup>57</sup>

## Mukamira

Mukamira is a military base in northwestern Rwanda, between the towns of Musanze and Rubavu, in Nyabihu district.

Human Rights Watch interviewed 25 people detained in Mukamira between 2010 and 2016. They spent between one day and three months there, on average about a month. Human Rights Watch received information about several other former detainees in Mukamira, at least six of whose cases were confirmed by multiple sources.

Some were taken straight to Mukamira after their arrest, but most had first passed through other military detention centers, such as the “Gendarmerie,” Bigogwe, or Mudende (see below).

Eleven of those interviewed by Human Rights Watch and detained between 2010 and 2012 were eventually tried and convicted, or released. Eight others, detained in Mukamira in 2014, were transferred to Kami, before being sent to trial or released. Human Rights Watch spoke to several former detainees who were held in Mukamira in 2016 on accusations of collaboration with the FDLR. They were interrogated and detained in Mukamira for a short time, before being transferred to Kami or the “Gendarmerie,” where most beatings took place.

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<sup>55</sup> Human Rights Watch interview with former detainee, Kampala, Uganda, July 10, 2012.

<sup>56</sup> Human Rights Watch interview with former detainee, Bujumbura, Burundi, April 29, 2012.

<sup>57</sup> Human Rights Watch interview with former detainee, Kigali, May 24, 2012.

In trials observed by Human Rights Watch, at least 19 defendants stated in court that they had been illegally detained in Mukamira.

### *Beatings and Forced Confessions*

Most of the former detainees from Mukamira interviewed by Human Rights Watch were beaten by soldiers, usually with iron rods or wooden sticks. Some were beaten as part of a daily routine, others only during interrogations. The beatings were intended to force them to confess to collaboration with the FDLR or accuse others of doing so.

A demobilized FDLR fighter, who said he left the rebel group in 2005, was arrested in July 2011 and taken to Mukamira. He told Human Rights Watch:

They beat me and said I had to confess that I was FDLR and that I was here [in Rwanda] to destabilize the regime. I refused to confess. I said that I had been a member of the FDLR but that I left, so I could not respond to [these accusations] because I did not collaborate with them.... Some other demobilized FDLR were also detained at Mukamira.... They would beat us every morning and every night. They would make a selection. Sometimes I was selected, sometimes not. They would beat people who did not accept that they were FDLR. Whoever did not confess was beaten. They would beat us with sticks and sometimes with a bike chain. I was beaten on my back, on my buttocks and on my feet. Sometimes they would beat us all night long. It was always to make us confess. When they beat us, they would write things down.<sup>58</sup>

Another former detainee, who was acquitted of all charges in a trial in 2012, told Human Rights Watch:

They would beat me for around two hours. They said, “Tell us where we can find the Interahamwe with whom you collaborate.” I was beaten by a group of four soldiers. One of them would hit me, then I was passed on to another one who would hit me too. They were always saying the same thing: “You

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<sup>58</sup> Human Rights Watch interview with former detainee, Rubavu, January 23, 2013.



are an Interahamwe.” I said, “No, I went to Congo legally, I showed you my papers that prove this.” But they kept telling me to confess.... I was beaten so seriously that I finally confessed. I said, “Yes, I was with the FDLR ... we were in the forest.” They liked hearing this and they left me. [But] the next morning I was taken out to be beaten again. They said, “You, do you still admit or have you changed your mind?” I said, “No, I still admit.” But they still beat me.... The next day, it was the same thing. They beat me just for the sake of beating me.<sup>59</sup>

A former detainee who was arrested in September 2011 was detained in Mudende (see below) before being taken to Mukamira:

When I left Mudende, I thought life would be better, but arriving at Mukamira, I found it was the opposite. Life there was worse.... As soon as I arrived, I was beaten. It has completely changed me. There I was a different person. The “daily ration” was beating.... When they beat me, they would ask how they could find other combatants.... I confessed and by the end, I even believed I was guilty because I was beaten so badly. At this point I was beaten so badly I felt nothing. It was as if they were beating a tree.<sup>60</sup>

Human Rights Watch spoke to several other people who were ill-treated in Mukamira in 2016. One of them said:

I was beaten there by a soldier. He wanted me to confess.... He said, “You were on your way to join the Interahamwe by going through Uganda.” I said no. I could not accept that. He wanted us to confess this and he beat us with cables on our bodies. We were lying down. They beat us the whole time.<sup>61</sup>

In the trials Human Rights Watch monitored, at least eight defendants stated in court that they were tortured or forced to confess in Mukamira. One said in 2012:

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<sup>59</sup> Human Rights Watch interview with former detainee, Rubavu, March 6, 2013.

<sup>60</sup> Human Rights Watch interview with former detainee, Musanze, February 28, 2013.

<sup>61</sup> Human Rights Watch interview with former detainee, Musanze, October 11, 2016.

I didn't confess of my own free will. I was forced to confess to accusations that were formulated against me. Since my arrest, they never stopped persecuting me, beating me day and night. I was afraid of being killed, so I confessed all that they wanted me to confess in front of the official from the prosecutor's office.<sup>62</sup>

A serving RDF member confirmed to Human Rights Watch that the military beat people in Mukamira: "When they interrogate people there they beat them. If you are accused of being part of a negative force,<sup>63</sup> you will be seriously beaten to make you confess. We all know this."<sup>64</sup>

### *Electric Shocks and Death Threats*

Several sources confirmed the use of electric shocks (see Box 2) and death threats in Mukamira, to force detainees to confess. The same serving RDF member told Human Rights Watch, "At Mukamira there is a special room. It has water in it and they use electricity there. I have heard the screams of men coming from this house."<sup>65</sup>

The wife of a former detainee, whose detention in Mukamira for two months in 2012 was confirmed by several of his former co-detainees, visited her husband in Rubavu prison after his transfer from Mukamira. She told Human Rights Watch:

I went to see my husband. He had scars on his arms and legs. He said he had been beaten and mistreated there. He said they deprived him of food to force him to admit that he worked with men from outside [Rwanda]. He said he was forced to dig his own grave at Mukamira and he was told he would be killed and buried in it. Then they forced him to stay in that hole.<sup>66</sup>

Human Rights Watch received credible information from several former detainees about killings of co-detainees at Mukamira, but was unable to verify these allegations.

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<sup>62</sup> Human Rights Watch trial observation, Musanze High Court, December 13, 2012.

<sup>63</sup> The expression "negative force" is used to refer to armed groups such as the FDLR who oppose the Rwandan government.

<sup>64</sup> Human Rights Watch interview with RDF member, Rubavu, January 31, 2013.

<sup>65</sup> Ibid.

<sup>66</sup> Human Rights Watch interview with wife of former detainee, Musanze, December 7, 2012.

## Box 2 – “Robert”: Tortured in Mukamira

In June 2011, military officials arrested “Robert,” a former soldier, at a bus station in Rubavu and told him they wanted to question him about his alleged links with the FDLR.

They took him to the “Gendarmerie,” where they interrogated him and beat him. He denied that he was an FDLR combatant.

More than a month later, they took him to Mukamira, where he was put in a dark cell by himself. The cell was too small for him to lie down. He told Human Rights Watch:

I was beaten many times there, very hard. They beat me with a rifle. My knee is still hurting. They also hit me in the chest with the rifle. They came every night to ask me if I had changed my mind or if I had something to add. If I said no, I was beaten.

He had very limited access to food, and once had to go without food for five days.

Then things got worse. One day, military officials decided to use electric shocks to force him to confess to working with “enemies” of the Rwandan government:

They called me a traitor.... I was in a cell in a separate house. There was water on the floor, about ankle-high. There was a cable plugged in and I was standing in the water. At the end of the cable there was something that looked like a fork. It had two prongs. They put it on my arm and asked me questions. When the fork touched me, my body went numb and it felt like my blood boiled. It was very painful. They asked me if I was with the FDLR and who threw the grenades in Kigali. They asked me many questions about who collaborated with Nyamwasa. They asked me for the name of a captain who worked with Nyamwasa. They asked me who gave grenades to Nyamwasa and this captain. They said, “Do you know what happened to the others who came here with you? They are dead. You will soon meet the same fate.” I could hear the military come at night to take people away; we never saw them again. I confessed after they [tortured me with electronic equipment] for the third time. I accepted that I had thrown grenades in 2010.<sup>67</sup>

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<sup>67</sup> Human Rights Watch interview with former detainee, Rubavu, January 24, 2013.

In late October, after “Robert” had spent three months in Mukamira, police officers came to question him there. He told them he had been tortured.

In early December, a soldier took him to a police station. There, a police officer asked him to sign a statement, which said he had been arrested in October 2011, almost five months after the real date of his arrest. He told Human Rights Watch:

I refused and said that I could not sign something that was not true. The soldier who escorted me said, “If you refuse, we will take you to Mukamira.” The policeman I was with ... said, “Yes, you will go back to Mukamira.” So, I signed.

“Robert” was then sent to a regular prison, tried in a civilian court, and acquitted. He was released in January 2013.

## Rubavu’s “Gendarmerie”

Human Rights Watch interviewed 17 men who said they were detained in the military barracks commonly known as the “Gendarmerie,”<sup>68</sup> in Rubavu district, near a border crossing with Congo known as “*la Petite Barrière*.” They had spent up to two months there—on average a month—between 2010 and 2016. Almost all of them were tortured and accused of collaborating with the FDLR. Some were arrested in Congo, others in Rwanda, near the border.

During trials observed by Human Rights Watch, at least four other defendants stated in court that they had been detained in the “Gendarmerie.”<sup>69</sup>

### *Torture and Forced Confessions*

Most of the former detainees interviewed by Human Rights Watch said that military officials at the “Gendarmerie” beat them, often with bayonets, sticks, and other objects. Most ended up confessing to their alleged crimes.

A former detainee, who spent one month in the “Gendarmerie” in 2016, told Human Rights Watch:

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<sup>68</sup> The “Gendarmerie” was a law enforcement institution in Rwanda until 2000, when the Rwanda National Police was created. Many people continue to refer today to former gendarmerie premises as the “Gendarmerie.”

<sup>69</sup> Human Rights Watch trial observation, Musanze High Court, October 15, 2011 and December 13, 2012.

When we arrived, we were told, “If you don’t confess, we will beat you to death.” I was beaten every night and every morning. They beat us with cables but sometimes they would make those who were accused of being FDLR run around and do exercises. They beat us as we ran.... They would say, “You are FDLR, you must confess.” I said, “I don’t associate with the FDLR.” The cables were the worst, but they also beat us with wooden clubs.<sup>70</sup>

Another former detainee, arrested in May 2016 for allegedly crossing the border from Congo illegally, was detained for two months in the “Gendarmerie”:

When I first arrived at the “Gendarmerie,” two soldiers started to hit me across my body with metal clubs and cables. One said, “You are FDLR! Admit and tell us you are FDLR and we can free you.”<sup>71</sup>

Another former detainee told Human Rights Watch that the military detained him at the “Gendarmerie” for three days because his brother was a member of the FDLR:

At the “Gendarmerie” they asked me about my brother. They asked me where he was. I said he was [in jail]. They asked me why. I said I didn’t know. Then they beat me. They put a rope around my neck and hung me from the ceiling to get me to talk. I was beaten three times a day. I was not given anything to eat.”<sup>72</sup>

Another former detainee was taken to the “Gendarmerie” after being arrested in Congo in late 2010. He was detained there for 56 days:

I was seriously beaten there. I was beaten and stabbed with a bayonet from a rifle. I was kicked in my testicles. They beat me because I refused to sign a piece of paper that had been prepared for me. I wasn’t able to read it. I

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<sup>70</sup> Interview with former detainee, Musanze, October 11, 2016.

<sup>71</sup> Human Rights Watch interview with former detainee, Musanze, October 11, 2016.

<sup>72</sup> Human Rights Watch interview with former detainee, Rubavu, January 29, 2014.

was beaten so badly that I ended up signing it because of the suffering. I signed by force.<sup>73</sup>

A man who was later sentenced to 10 years in prison told the judges in his trial that he had been pressured to confess at the “Gendarmerie”: “A soldier approached me and asked me if I knew one of the two other people who were [detained] with me. I said I did not know them.... That soldier told me I would never be released if I did not accept that I knew that person. I continued to say that I didn’t know him, because I had never known him.” He was later transferred to Mukamira, where he confessed to “everything they wanted us to confess to,” out of desperation.<sup>74</sup>

A man detained at the “Gendarmerie” in late November 2010 and beaten every night told Human Rights Watch that eight detainees—five Rwandans and three Congolese—were killed in the “Gendarmerie” in late 2010 and that he was forced to help bury three of the bodies. He said:

One night they took three men out and killed them. I had to bury their bodies. Two of them were beaten to death with sticks and one was shot in the head. Two of us were pulled out of the cells to bury them.... The bodies were wrapped in plastic sheeting before being put in the ground.<sup>75</sup>

Human Rights Watch was unable to independently verify these allegations of extrajudicial executions.

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<sup>73</sup> Human Rights Watch interview with former detainee, Rubavu, April 30, 2013.

<sup>74</sup> Human Rights Watch trial observation, Musanze High Court, October 15, 2012.

<sup>75</sup> Human Rights Watch interview with former detainee, Rubavu, April 30, 2013.

### **Box 3 – “Jean Bosco”: Mukamira, the “Gendarmerie,” and Kami**

“Jean Bosco” was arrested in May 2016, in western Rwanda, after authorities accused a member of his family of entering the country illegally from Congo. He was first held at a military position, then driven to Mukamira. He told Human Rights Watch his family was too scared to look for him because he had been arrested by soldiers.<sup>76</sup>

After a week in Mukamira, he was driven to the “Gendarmerie”:

I was interrogated there [about the FDLR]. They beat us with metal cables and wooden clubs. Our hands were handcuffed and they would beat us all over, or they would sit us down and beat us on our feet. There were maybe 40 people in the cell. Everyone was beaten.

An army captain then took him back to Mukamira, where he spent one night. The day after, he was transferred to Kami. He told Human Rights Watch he saw red lights and antennae, presumably from the former Deutsche Welle radio station on a hill close to Kami.

“Jean Bosco” said there were many other detainees in Kami, each in their own cell. He heard men being beaten and crying. He himself was not beaten in Kami, but he was detained in harsh conditions and forced to provide information:

I was handcuffed the entire time. They shackled my legs and my hands. I had no mattress, no cover, only a military uniform [which most detainees got upon arrival in Kami]. I never washed or changed clothes.... I was interrogated five times. I was threatened. The man [who interrogated me] said, “You continue to lie.... If you don’t accept [that you have links with the FDLR], we will kill you.” When he said that, he pulled out a pistol and pointed it at me.

After three months, in August 2016, “Jean Bosco” was taken back to his home area, released, and told not to talk about what happened to him.

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<sup>76</sup> Human Rights Watch interview with former detainee, Musanze, October 12, 2016.

## Other Detention Centers

Authorities also detained and tortured suspects in military camps in Bigogwe, Mudende, and Tumba and in houses in Kigali and Rubavu, which detainees were unable to identify. In most cases, detainees were transferred from these locations to either Mukamira or Kami.

### *Bigogwe*

Bigogwe military camp is located between Musanze and Rubavu, in northwestern Rwanda.

One former detainee told Human Rights Watch that military officials arrested him in April 2011 and took him to Bigogwe, where they beat him in order to force him to confess to working with the FDLR and the RNC.

They took me to a cell that had a special area you walked down into. It was like a cage.... When you're in there, they can beat you.... When I went down into the cell, they said, "You refuse to give us information you got in Congo. We know ... you were given a mission to come here [to Rwanda]. If you keep refusing [to tell us], you will see." ... They took me in and out of this cell over two days. Each time I was in there for around 30 minutes, then they would take me out and interrogate me and beat me with sticks again. They were always asking what information I had collected in Congo.... They would say, "You must accept you are FDLR, you must give us information." They wanted me to give them names. They said, "It was that group of 30 who threw the grenades in Kigali and you work with them. We know you work with the FDLR and with Nyamwasa."<sup>77</sup>

Like many others, this man finally relented and confessed to crimes he later said in court he did not commit. He told Human Rights Watch:

They only beat me for two days because I could not take this treatment. I started to say things that were not true to stop [it]. I started giving false information. I invented things. I said I was looking for information in Rwanda to give to the FDLR; I said I was investigating military zones. They

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<sup>77</sup> Human Rights Watch interview with former detainee Rubavu, January 31, 2013.



accepted this. They wrote it all down and I had to sign the document.... Then I was put in a cell alone. It was a small space. I could not even lie down. I was given water to drink every day, but only a small amount of corn a few days a week.... I would go out of the cell once a day to use the toilet. Every day they would ask if I had something to add. I would add little things to my story in order not to be beaten.<sup>78</sup>

After three months in Bigogwe, he was transferred to Mukamira, where he was detained for 10 days. Several other former detainees in Mukamira confirmed his presence there to Human Rights Watch. A civilian court later acquitted him of all charges and he was released.

### *Mudende*

The RDF detained other suspected FDLR collaborators in Mudende military camp, in Rubavu district.

A former detainee who spent several days in Mudende in 2011 after being transferred there from the “Gendarmerie” and before his transfer to Mukamira told Human Rights Watch:

They [the military] told me I was an Interahamwe. I was taken to Mudende in a *panda-gali* [police pick-up truck]; I was hidden underneath benches in the back of the truck. I was put in a very small cell, with four [other detainees] who were already there. I was accused of transporting arms. I was detained there for two days and beaten before I moved to Mukamira.<sup>79</sup>

Another man, who had been working near the Congolese border and was accused of being a member of the FDLR, was detained in Mudende in September 2011. He told Human Rights Watch:

We were beaten a lot ... they used wooden clubs to beat us every day. Sometimes we spent two or three days without food. When we were fed, it was corn and hot water. When they beat us, they asked us questions. They said,

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<sup>78</sup> Ibid.

<sup>79</sup> Human Rights Watch interview with former detainee, Musanze, October 28, 2014.

“What were you doing in Congo if not planning attacks [against Rwanda]?” I was beaten so badly I did not know what I was saying. I was beaten every day there. Sometimes they saw that I was really suffering and they stopped asking questions. They just said, “Accept that you are an infiltrator.”<sup>80</sup>

He confessed to crimes he later said in court he did not commit. He told Human Rights Watch this was to stop the torture:

The RDF forced us to admit that we went to Congo to wage war [against Rwanda]. When we were beaten, we would say anything. At Mudende, they wrote things down and made me sign a paper.<sup>81</sup>

After about one month in Mudende, the authorities transferred him to Mukamira, where he was tortured again.

### *Tumba*

Several people accused of collaborating with the FDLR told Human Rights Watch that the military detained them at the Tumba military base, near Huye, in southern Rwanda.

One former detainee said military arrested him in Huye in June 2010:

We arrived at Tumba, the military camp in Butare [Huye]. As we were arriving [they said to me], “If you tell the truth, you will be saved.” I agreed [to tell the truth]. They took me to an office and said, “Tell us what you have done.” I said, “I don’t know anything; I can’t think of what to say.” They made a call to someone in Kigali and they said [on the phone], “He refuses to tell us anything; he needs to be transferred to Kigali.” They then said to me, “Because you refuse to talk here, you will talk in Kigali.”<sup>82</sup>

Military officials then transferred him to MINADEF and later to Kami. In MINADEF, military officials beat him during his interrogation.

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<sup>80</sup> Human Rights Watch interview with former detainee, Rubavu, February 28, 2013.

<sup>81</sup> Ibid.

<sup>82</sup> Human Rights Watch interview with former detainee, Cyangugu, June 14, 2012.

In another case, from February 2011, the RDF arrested a man in Huye and took him to Tumba, from where he was transferred to a house in Kigali and held for two months. He was eventually transferred to an official prison and acquitted in court on charges of participating in grenade attacks.<sup>83</sup>

Another former detainee told Human Rights Watch that military officials arrested him in August 2010 and tortured him at Tumba:

They covered my eyes with a cloth. They handcuffed my hands behind my back. In the car [parked in Tumba military camp] they asked me if I knew [someone with links to the FDLR]. I said no. They asked several times. They asked if I was FDLR and asked me to give the names of people who threw grenades. My eyes were covered the entire time.... They tied a nylon cord in my mouth and pulled it. They said, “Finally you will accept that you know everything.” They wrapped the cord three times around my head and a man behind me pulled it.... [I did not confess so] I was then taken to a small house in the camp.... In the house, I was beaten. Just before they beat me they said, “Now, you will admit.” I was beaten all night.<sup>84</sup>

The next day, the military transferred him to Kami.

### *Houses Used as Detention Centers*

Several former detainees described to Human Rights Watch ordinary, anonymous houses where the RDF detained, interrogated, and tortured them, after or before transferring them to other military centers. Four former detainees confirmed the existence of such houses in Rubavu, and seven said they were detained in a house in Kigali.<sup>85</sup>

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<sup>83</sup> Human Rights Watch interview with former detainee, Huye, May 16, 2012.

<sup>84</sup> Human Rights Watch interview with former detainee, Huye, June 27, 2012.

<sup>85</sup> A 2012 Amnesty International report also mentions “reports of a network of safe houses used to detain suspects in Kigali.” See Amnesty International, “Rwanda: Shrouded in Secrecy,” p. 17. Kizito Mihigo, a well-known singer, was also detained incommunicado in an anonymous house near Kigali, after his arrest on April 6, 2014, in Kigali. He was beaten by police officers, threatened and forced to confess. In his trial, Mihigo and his three co-accused were accused of collaborating with the RNC and the FDLR. Mihigo pled guilty. One of Mihigo’s co-accused was quoted in the media telling the court he had been detained incommunicado for a month in an unknown place and that he had confessed under torture to his involvement in grenade attacks. He retracted his confession in court. On February 27, 2015, Mihigo was sentenced to 10 years in prison. His three co-accused were respectively acquitted, sentenced to 25 years and 30 years in prison. See “Key suspect in Rwanda terror trial alleges torture,” *The East African*, November 29, 2014, <http://www.theeastafican.co.ke/news/Key-suspect-in-Rwanda-terror-trial-alleges-torture-/2558-2539590-b996i7/index.html> (accessed September 28, 2017); “Rwandan accused of

A man, who was previously detained in Kami, told Human Rights Watch:

In November [2010] I left Kami. I was blindfolded. They took me to a house in Kigali and they beat me again, with sticks. I was in a big room. I spent one night there. [Previously] they had asked me to write a letter to confess and apologize, but I had refused. I was afraid to write these things down. Until then, I had only agreed verbally. That night I agreed to write them a letter. I wrote that I knew about the grenade case ... and [made up] details of others involved with me. I wrote that I would implicate the men [whose names I wrote down]. This was the night I was beaten so badly. They threw me on the ground and broke my teeth. While they were beating me, they were saying, “Confess to save your life.” After I confessed, they left me alone. They next day they sent me back to Kami.<sup>86</sup>

Another, who had come from the “Gendarmerie” and was later sent to Kami, told Human Rights Watch:

When they transferred me to Kigali, they put me in a safe house in Kicukiro. It was a well-furnished house. I was there with other detainees. One man was beaten so badly that he was almost dead. They left him on a mattress. There was also a room from which a lot blood came out. I don’t know what was in that room. They did not allow us to see it. I spent a terrible night there. Three men beat me very hard. They beat me on my head repeatedly.<sup>87</sup>

Human Rights Watch documented the cases of three women who were held in houses in Kigali. Two said they believed the houses were in Nyarutarama, an upscale suburb of Kigali. One described how she was taken from her home in 2015 by men she suspected were military intelligence officials:

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plotting against regime alleges torture,” Agence France-Presse, November 28, 2014, <http://www.dailymail.co.uk/wires/afp/article-2853028/Rwandan-accused-plotting-against-regime-alleges-torture.html> (accessed September 28, 2017).

<sup>86</sup> Human Rights Watch interview with former detainee, Cyanguu, June 13, 2012.

<sup>87</sup> Human Rights Watch phone interview with former detainee, November 25, 2016.

I was put into a green military pickup truck. I was forced to the floor in the back and they slapped me and told me to stay down. They put a shirt over my eyes, but I saw a soldier in the pickup truck with a gun. I was taken into a house and into a room. They handcuffed my arms behind a chair. They questioned me for four days. Every time I gave an answer, they slapped me. They wanted to know who I was working for. I said, “I don’t know what you want me to say. I don’t work for anyone.” But it was not good enough. They would say, “No, who do you work for? Tell us.” On the fourth day one of the men was losing his patience and he said, “If you don’t tell us the truth, we will silence you because we are tired of stupid people who don’t understand how hard we have worked [for this country].”<sup>88</sup>

She was fed once a day and was handcuffed throughout her detention. She was released after five days and was told she would be killed if she spoke about her detention.

Another woman told Human Rights Watch she was detained in a house in Rubavu for two days in 2014, then transferred to a house in Kigali for five days. She was interrogated about her alleged connections to the FDLR, which she denied. She was handcuffed throughout her detention. When she was released she was told, “We have your phone. We will check to see if you are lying. If we find out you are lying, what do you think will happen?” The military also told her that if she talked about where she had been, she would have problems.<sup>89</sup>

## Detention Conditions

Former detainees described very harsh living conditions in military detention centers. Most were held incommunicado, alone in a cell, and were not allowed to go outside or speak to other detainees. Food and water were often very scarce, and quantities depended on detainees’ confessions. Apart from beatings and torture, lack of water and food was the most significant complaint by former detainees interviewed by Human Rights Watch.

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<sup>88</sup> Human Rights Watch phone interview with former detainee, June 5, 2015.

<sup>89</sup> Human Rights Watch interview with former detainee, Rubavu, May 5, 2014.

One detainee who was held in Mukamira for one month said, “We once asked for water. We had peed in a bucket [in the cell] and the guard said, ‘Drink the urine.’”<sup>90</sup>  
A man arrested in June 2010, described the conditions in Kami:

In Kami, there are houses that were originally built as houses for officers. They have different rooms [and] we were put in separate rooms. I was alone in a room for eight days. It was about two meters by two meters. There were windows, but they were blocked with metal sheeting so it was always dark. I had to sleep on the concrete. I was handcuffed, with my hands behind my back at night and in front in the daytime. In the mornings, I was taken out to the toilet for about two minutes. At about 3 p.m., I was given corn mixed with beans and half a liter of water to drink. I was not given water to wash. At about 5 p.m., I was taken to the toilet again.... I was allowed to wash once a month. There were no visits, no radio, no information. Nothing. I didn’t know what was happening. I was waiting to die.<sup>91</sup>

The authorities in charge of the detention centers denied several detainees medical treatment for injuries sustained as a result of torture or bad detention conditions. When the detainee quoted above asked for medical treatment, the guards told him, “You are accused of endangering state security. You don’t have the right to be treated in hospital.”<sup>92</sup>

Several detainees explained to Human Rights Watch how guards in Kami gave them “special treatment,” in Kami, or “specialization,”<sup>93</sup> a term used to refer to particularly harsh conditions. One of them said:

I was in a special cell.... My legs were chained together with four locks. I was naked and I was sitting on the floor. It was very painful. My hands were handcuffed behind my back. I spent six weeks in this situation. Twice a day the chains were taken off so I could use the toilet. To eat, they just threw

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<sup>90</sup> Human Rights Watch interview with former detainee, Rubavu, March 6, 2013.

<sup>91</sup> Human Rights Watch interview with former detainee, Bujumbura, Burundi, April 29, 2012.

<sup>92</sup> Ibid.

<sup>93</sup> Amnesty International also reported on a system of “specialization” or “regime” in Kami, in which some detainees were held in especially severe conditions. See Amnesty International, “Rwanda: Shrouded in Secrecy,” p. 18.

some corn and beans at me. I would go three or four days without making a bowel movement. I drank half a liter of water every other day.<sup>94</sup>

The military also used extreme and continuous light, darkness, and isolation to inflict further suffering on detainees. One former detainee, arrested in August 2010, described to Human Rights Watch how this was done in Kami:

In the cell there was an electric lamp. It was always on, it hurt my eyes. If I tried to unscrew it, I was beaten. I was always alone. I spent four or five months alone. I had no mattress there. I only started to see other prisoners after six months.<sup>95</sup>

A former detainee told Human Rights Watch he was detained in a hole in the “Gendarmerie”:

At the “Gendarmerie,” every man had his own hole in the camp to sleep in.... The hole I stayed in was in the bush, with trees around. I could sit but there wasn’t enough space for me to lie down.... They gave us food at night: potatoes, beans, and maize, but we did not eat every night. We were not given much water. I did not wash in the two months I spent there.<sup>96</sup>

Because of the torture, limited access to food, water and health care, and other inhuman detention conditions, most former detainees left military detention severely emaciated. A man who was detained in Kami for four months and was only given one cup of corn a day, said his family did not recognize him at first when he was released: “They thought I was a ghost.”<sup>97</sup>

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<sup>94</sup> Human Rights Watch interview with former detainee, Cyanguu, June 13, 2012.

<sup>95</sup> Human Rights Watch interview with former detainee, Huye, June 27, 2012.

<sup>96</sup> Human Rights Watch interview with former detainee, Rubavu, April 30, 2013.

<sup>97</sup> Human Rights Watch interview with former detainee, Rubavu, May 5, 2014.

### **III. Arrests and Enforced Disappearances**

#### **Profile of Former Detainees**

Most of the former detainees interviewed by Human Rights Watch were civilians, but some said they had been FDLR combatants. The majority were arrested in Rwanda, but nine said they were arrested in Congo and six others in Burundi. Many former detainees who spoke to Human Rights Watch said they did not know why they had been arrested. Others tried to guess why they had been arrested, based on the questions asked during interrogations or, for those whose cases went to court, the charges against them.

In trials observed by Human Rights Watch, several defendants confessed that they were FDLR combatants or collaborators. Human Rights Watch also spoke to several former FDLR combatants, who had been demobilized in the years before their arrest and reintegrated into civilian life in Rwanda. Others had contacted authorities in Congo to enter the DDRRR process. However, the majority of people interviewed by Human Rights Watch said they were not associated with the FDLR and did not sympathize with the group.

Several former detainees told Human Rights Watch that some of their family members, friends, or business relations were accused of being FDLR or RNC members. Others had regularly traveled to Congo, to visit family or study in Goma, making them suspicious in the eyes of the Rwandan intelligence services.

One former detainee was demobilized from the RDF, while another was a former member of the National Congress for the Defence of the People (CNDP), a Rwandan-backed Congolese rebel group responsible for serious human rights abuses in Congo.<sup>98</sup>

#### **Arrests in Rwanda**

Rwandan military and intelligence agents, some in civilian clothing, arrested most of the detainees interviewed by Human Rights Watch between 2010 and 2016 in Rwanda. They were sometimes assisted by local government officials or police. Officials usually arrested

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<sup>98</sup> See “Killings in Kiwanja,” Human Rights Watch news release, December 11, 2008, <https://www.hrw.org/report/2008/12/11/killings-kiwanja/uns-inability-protect-civilians>.



suspects near their homes or workplaces, and drove them away in civilian vehicles to a nearby military center.

Some were arrested under false pretenses. A former detainee from Mukamira told Human Rights Watch that he was arrested in May 2016 after a local government official asked him to come to his office to update his details in an administrative register.<sup>99</sup>

Some were lured to the place of arrest with a promise of employment. One former detainee told Human Rights Watch how he was arrested in August 2010:

I was at home [and] I got a call. It was a man who said he was close by and had a job for me.... He asked me to go outside and meet him. I went out and I saw a man I didn't know in civilian clothes. He was the man who had called me. There were others in a car, all in civilian clothes.... I later learned [at Kami] that the man in civilian clothes was Major Prosper.<sup>100</sup> I got in the car and we drove off. The other men were in the back. I was sitting between two of them. When we arrived near the main road, Prosper asked if I knew [two people who were later his co-accused]. I said I knew them.... Prosper said, "We know they were throwing grenades and you are a part of that." I said, "I didn't throw grenades and I don't have any information about that. If they have information about that, it has nothing to do with me." ... Prosper brought out his military ID card and said, "I am military, from the DMI [Department of Military Intelligence]. We don't have a job for you. You are under arrest."<sup>101</sup>

A motorcycle taxi driver arrested in April 2014 told Human Rights Watch a client approached him:

I drove up to him and asked him where he wanted to go. He said, "Near the police at the 'Gendarmerie.'" When we arrived at the "Gendarmerie," I asked if I should enter. He said yes. I entered and stopped. Then he jumped

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<sup>99</sup> Human Rights Watch interview with former detainee, Musanze, June 26, 2016.

<sup>100</sup> Six former detainees mentioned to Human Rights Watch the involvement of Major Prosper in interrogating and threatening detainees in MINADEF and Kami in 2010.

<sup>101</sup> Human Rights Watch interview with former detainee, Kigali, June 22, 2012.

off the moto, handcuffed me, and took me to the military base. He said to some soldiers there, “If he runs, shoot him.”<sup>102</sup>

A woman who was detained in a house in Kigali explained to Human Rights Watch how she was abducted in March 2014:

I was arriving at work. A man in civilian clothes saw me and called out my name. He said, “We have some questions to ask you.” He walked me to a car and asked me to get in. In the car, there was another man in civilian clothes, the driver, a soldier in uniform, and a woman. All of a sudden, the car started and we drove off. I said, “Where are you taking me?” The man said, “We are going to question you at the brigade [police station]. Don’t be scared, you are with a soldier. We are all Rwandans.” They took my phone and handcuffed me. The man said, “You won’t be able to see where we are going,” and they covered my eyes with a T-shirt that was in my bag. I knew we were going to Gisenyi [Rubavu], because we were heading in that direction.<sup>103</sup>

The men then used her to arrest one of her colleagues. They forced her to go to her colleague’s place of work, call her from the vehicle, and tell her, “I have a message for you. Come to the end of the road so that I can give it to you.” Military officials abducted her colleague as she approached the vehicle.<sup>104</sup>

Some arrests were done in groups. One former detainee was among a group of men arrested by military in Kigali in April 2013 and taken to Kami after a grenade went off nearby. Another told Human Rights Watch, “During my time at Kami, grenades were being thrown everywhere. They were bringing men into Kami regularly in groups of up to 30 at a time.”<sup>105</sup>

Most of the arrests documented in this report amount to enforced disappearances, at least until the detainees were released or transferred to an official prison or detention center, where their detention was acknowledged and they could receive visits. State agents

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<sup>102</sup> Human Rights Watch interview with former detainee, Rubavu, October 29, 2014.

<sup>103</sup> Human Rights Watch interview with former detainee, Rubavu, May 5, 2014.

<sup>104</sup> Ibid.

<sup>105</sup> Human Rights Watch interview with former detainee, Rubavu, March 5, 2014.

deprived individuals of their liberty, but did not divulge information as to their whereabouts. Family members often inquired in vain about the fate of their disappeared relatives with local officials, police, or even at the military camps, as it is well-known that people are regularly detained there. Some also sent letters to the authorities. However, others were too scared to look for their relatives.

In most cases, the authorities refused to acknowledge the detention of the disappeared person. Some people were harassed by the authorities or other individuals, because they inquired about their disappeared family member, or simply because they had family ties to someone accused of security-related offences.

## Arrests in Burundi

Human Rights Watch interviewed six Rwandan nationals who were arrested in Burundi and illegally transferred to Rwanda in 2010.<sup>106</sup> The arrests were carried out by Burundian police and intelligence officials, almost always accompanied by Rwandan men in civilian clothing, whom some former detainees identified as military intelligence agents. In Rwanda, these men were detained in unofficial military detention centers and later tried for their alleged involvement in grenade attacks.

In Burundi, the suspects were taken first to the office of the Service National de Renseignement (SNR), the Burundian intelligence services, also known as *la Documentation*.<sup>107</sup> They were detained at the SNR office for a period of between a few hours and four days. One man said he was beaten there, by Burundian police and men in civilian clothes who he later found out were Rwandan military intelligence agents.<sup>108</sup> From there, they transferred them to Rwanda, where they were detained first at MINADEF, then in Kami, before being taken to court.

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<sup>106</sup> Between 2010 and 2013 (when most of these transfers took place), Rwanda and Burundi maintained good relations. The relationship between the two countries began to deteriorate with Burundi's political crisis from April 2015 onwards. In 2015 some Burundian armed opposition members were trained in Rwanda. See "Burundi: Abductions, Killings Spread Fear," Human Rights Watch news release, February 25, 2016, <https://www.hrw.org/news/2016/02/25/burundi-abductions-killings-spread-fear>.

<sup>107</sup> Human Rights Watch has documented numerous abuses by the SNR. See "Burundi: Intelligence Services Torture Suspected Opponents," Human Rights Watch news release, July 7, 2016, <https://www.hrw.org/news/2016/07/07/burundi-intelligence-services-torture-suspected-opponents>; and "Burundi: Spate of Arbitrary Arrests, Torture," Human Rights Watch news release, August 6, 2015, <https://www.hrw.org/news/2015/08/06/burundi-spate-arbitrary-arrests-torture>.

<sup>108</sup> Human Rights Watch interview with former detainee, Bujumbura, Burundi, April 29, 2012.

A former detainee described to Human Rights Watch how a car pulled up outside his place of work in the Burundian capital, Bujumbura, in September 2010:

In the car there were two Burundian police officers, a driver, and a Rwandan in civilian clothes. The two Burundian police put me in handcuffs and took me to *la Documentation*.... The Rwandan spoke with a general there [and] said, “These men we are taking are disturbing the security in Rwanda.” The general said, “Take them, there is no problem.”<sup>109</sup>

Rwandan security officials took him across the border and detained him in Kami, where they beat him and forced him to confess to working with the RNC.<sup>110</sup>

A former detainee, also arrested in Bujumbura in September 2010, explained:

Two Burundian police got out [of a car] with Kalashnikovs. Three Rwandans also got out. They were in civilian clothes and were speaking Kinyarwanda.... One of the Rwandans put a pistol to my head and said, “Don’t move.” He forced me into the jeep with a Burundian policeman on each side of me. The Rwandan was behind me with a pistol. The driver and another man in the front were Rwandan.... I was taken to the SNR office for one night, then taken to the border with [another detainee]. In Rwanda, the military were waiting for us in an RDF truck. They put us in and asked us our names. Then we drove to Kigali.<sup>111</sup>

The former detainee was taken to MINADEF and Kami and beaten in both places.

## Arrests in the Democratic Republic of Congo

Human Rights Watch interviewed 10 former detainees who said that they had been arrested in Congo and illegally transferred to Rwanda. Rwandan officials then detained them in military custody and tortured them.

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<sup>109</sup> Human Rights Watch interview with former detainee, Kigali, June 12, 2012.

<sup>110</sup> Ibid.

<sup>111</sup> Human Rights Watch interview with former detainee, Cyangugu, June 13, 2012.

Most of these arrests took place in North Kivu province, in eastern Congo, near the Rwandan border. They were carried out by the Congolese security services, sometimes assisted by Kinyarwanda-speaking individuals, whom several people described as Rwandan or Congolese military intelligence agents.<sup>112</sup>

Some individuals arrested in Congo were first taken to the military intelligence prison in Goma, known as the “T2.” A detainee at the “T2” told Human Rights Watch he saw many Rwandans detained there and that Congolese soldiers were paid to transfer alleged former FDLR fighters to Rwanda:

Two [Rwandans] were arrested because they were caught in a field wearing gum boots like those the FDLR wear. Others were caught with Rwandan ID cards. They were just small traders; they were not FDLR. The FARDC were arresting people because the Rwandans were paying them US\$100 per person [to do this].<sup>113</sup>

Former detainees told Human Rights Watch they were beaten and tortured by Congolese military or intelligence officials at the “T2.” One former detainee told Human Rights Watch:

I was arrested in Goma ... and [taken to] the “T2.” I was interrogated there. They beat me and asked me if I was an FDLR soldier. I said, “No, [I have a job in Goma]” and I identified the place [where I worked]. I was beaten by someone speaking Kinyarwanda; he wanted me to admit I was FDLR. He beat me all over with a stick. I was injured on my left arm and on my nose.... One day they tied me up and took me across the border at 1 a.m.... Other Rwandans were taken across the border with me. We were maybe 17 in total. Eight of those men were killed at the “Gendarmerie” and at Mukamira.<sup>114</sup>

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<sup>112</sup> Relations between Rwanda and Congo have often been tense, and sometimes extremely hostile, over the past 20 years, with Rwanda backing a succession of Congolese armed opposition groups. However, in January 2009 the two governments launched a joint offensive against the FDLR, known as “*Umoja Wetu*” (“our unity” in Swahili), marking an important collaboration between the two countries, at least in terms of tackling the FDLR. Relations turned sour again in 2012 when Rwanda backed a new Congolese rebel group, the M23. See, “DR Congo: M23 Rebels Committing War Crimes,” Human Rights Watch news release, September 11, 2012, <https://www.hrw.org/news/2012/09/11/dr-congo-m23-rebels-committing-war-crimes>. More recently, there seems to be some renewed collaboration between the two countries.

<sup>113</sup> Human Rights Watch interview with former detainee, Rubavu, January 24, 2013.

<sup>114</sup> Human Rights Watch interview with former detainee, Rubavu, April 30, 2013.

Some people arrested by the Congolese military and transferred to Rwanda claimed they were Congolese nationals. One of them told Human Rights Watch how he was arrested by Congolese military in March 2011:

I was going to Bunagana [a Congolese town near the Ugandan border] to look for a job. I came across [the FARDC] in Rutshuru. They asked me for my ID card. I showed it to them and they tore it up. They took me and tied my arms with a rope. They said I was FDLR.... They took me to the [military base] on the hill ... and started beating me right away, to get me to admit I was FDLR. They beat me all over with a wooden stick and kicked me. I spent three days detained in Bunagana, in a hole in the ground with branches on top.... I was not questioned there, just told to confess.... Three days later, I was taken to the “T2” in Goma, and then to Rwanda the following night.<sup>115</sup>

Many of those arrested in Congo and transferred to Rwanda were later tried in Rwanda. In trials observed by Human Rights Watch (see Section IV), 29 defendants told judges that they had been arrested in Congo, and several said they had been detained at the “T2” or other military camps in Congo.<sup>116</sup> In one trial, the court confirmed that the accused were arrested in Congo by Congolese military and transferred to Rwanda. No details about the transfer procedures were provided in these trials.<sup>117</sup>

A beer trader, who had always lived in Congo with his Congolese mother, told the judges: “One day, after the FDLR forced me to carry drinks for them,<sup>118</sup> I was arrested by the FARDC. They were accompanied by the Rwanda Defence Force. They transferred me to Goma and to the “T2” prison, where to my surprise, they accused me of collaborating with the FDLR in

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<sup>115</sup> Human Rights Watch interview with former detainee, Goma, DR Congo, March 6, 2013.

<sup>116</sup> Human Rights Watch trial observation, Kigali High Court, March 3 and November 28, 2011, and Musanze High Court, October 15, December 13, 2012, and May 27, 2015; *Prosecutor v. Mukeshimana Jean Berchmans et al.*, Kigali High Court, Case No. RP0027/11/HC/KIG-RP 0036/11/HC/KIG, January 13, 2012; *Prosecutor v. Janvier Ndagijimana et al.*, High Court of Musanze, Specialized Chamber, case No. RP 0108/11/HC/MUS, December 31, 2012; *Prosecutor v. Jérôme Nsanzimana et al.*, High Court of Musanze, case No. RP 004611/HC/MUS, March 21, 2013; and *Prosecutor v. Aboubacar Nsabiyeze et al.*, Musanze High Court, Case No. RP0052/13/HC/MUS, May 22, 2014.

<sup>117</sup> *Prosecutor v. Aboubacar Nsabiyeze et al.*, Musanze High Court, Case No. RP0052/13/HC/MUS, May 22, 2014, para 1.

<sup>118</sup> The FDLR often force Congolese civilians to carry goods for them and assist them in other ways, sometimes under threat of death or ill-treatment.

trying to overthrow the government in Rwanda.” The next day, he told the court, he was transferred to Rwanda and detained for three months in Mukamira.<sup>119</sup>

**Box 4 – Norbert Manirafasha: Abducted in Congo, Tortured in Rwanda<sup>120</sup>**

Norbert Manirafasha, a political opposition activist in his thirties and a registered Rwandan refugee, was arrested by Rwandan intelligence agents in April 2014 in Goma, eastern Congo, and transferred to Rwanda the same day:

I was on the bus near the Virunga market [in Goma]. Suddenly a small jeep came and stopped the bus. It was a [Toyota] Rav-4 with Congolese plates. Men from the jeep got into the bus, looked at me and told me to get off. They were speaking Swahili.... They pushed me off the bus and into the car. I screamed, “I am being arrested!” When I entered the car, they covered my eyes and they started speaking Kinyarwanda. They said, “We have been looking for you.”

The men turned out to be Rwandan intelligence agents. They handcuffed and blindfolded him and took him to a house in Goma. After five hours, they told him he would be sent back to Rwanda.

I said, “It is my right not to go. I have been living here [in Congo] for many years.” Then [my guard] hit me twice in the side and said, “You know, if we kill you now, who will know about it? Your only chance now is to go to Rwanda. You can’t fight us. We decide your fate.” They blindfolded me again and told me to get up. They put me in a small car. There were men on either side of me in the car. I thought I was going to be killed. I didn’t know where we were going.

The intelligence agents took him to a house in Rubavu, Rwanda, where they interrogated him about his links with the opposition and asked him why he was living in Congo. They kicked him and threatened to kill him.

Then they drove him to Kami:

They put me in a room with a toilet. There was no bed. They locked a chain around my legs and locked my hands to the chain. They said, “Stay here. Someone will

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<sup>119</sup> Human Rights Watch trial observation, Musanze High Court, December 13, 2012.

<sup>120</sup> Human Rights Watch interview with former detainee, Rubavu, July 17, 2014.

come for you.” A woman in civilian clothes came the same day. She asked some questions about who I was and said, “You need to pray because you may be killed.”

Over the next two days, men in military uniform repeatedly tortured Manirafasha, questioning him about his alleged links with opposition groups and the FDLR.

[An army captain] kicked me and told one of the guards to bring a bag. They brought a black plastic bag. They handcuffed my arms behind my back, put the bag over my head and started to choke me. [The captain] said, “You see? You are very close to death.” He threw me on the ground. I couldn’t breathe. They put their feet on my back. I was sweating and gasping. Then they took the bag off. [The captain] said, “You are going to tell us how the FDLR works.”

The next day, the military repeated the same torture method and put a bag over his head again:

This time, when I could not breathe, I began urinating. So, they took the bag off. I was coughing and I said, “Ok, just kill me.” One of them said, “No, the hour of death is not here yet, but you will die in the end.”

A few days later, guards presented him with a statement that he said contained false information about his links with opposition groups and the FDLR. They forced him to read the statement on camera. He told Human Rights Watch, “They took off the handcuffs, but my legs were still chained. They put the camera on, but it was difficult for me to repeat everything [in the statement]. They slapped me and said, ‘If you do not do it correctly, we will kill you.’” They put a rifle on the chair next to him and forced him to sign a piece of paper. When he asked to read it, they slapped him again, so he ended up signing it.

Two weeks later, after renewed death threats, he signed another document, this time apparently prepared by the police. The following day, the military transferred him to a regular police detention center and presented him with official charges of threatening state security and working with criminals. They gave him the police document he had signed the previous day. It said he had been arrested in Rwanda, almost a month after his actual arrest date in Congo.

At Musanze High Court, where he was tried in 2015, Manirafasha told judges he had been abducted in Goma, tortured, and forced to confess. The judges did not dismiss his earlier confession, even though he stated it was extracted under torture; nor did they order an investigation into his allegations.<sup>121</sup> On July 27, 2015, the court convicted Manirafasha and sentenced him to 20 years in prison. He is currently serving his sentence.

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<sup>121</sup> Human Rights Watch trial observation, Musanze High Court, May 27, 2015.



At the time of his abduction in Congo, Manirafasha was a refugee registered with the United Nations High Commissioner for Refugees (UNHCR).<sup>122</sup> This status should normally provide refugees protection under international law.

## Arrests and Transfers during Demobilization and Repatriation from Congo

Human Rights Watch documented the cases of seven individuals who were transferred from Congo to illegal military detention in Rwanda in 2010 and 2011 at various stages of the Disarmament, Demobilization, Repatriation, Reintegration and Resettlement of foreign armed groups (DDRRR) process. The process of DDRRR is supported in Congo by the UN mission in Congo, MONUSCO, and in Rwanda by the Rwanda Demobilization and Reintegration Commission (RDRC).<sup>123</sup>

Human Rights Watch interviewed five of these seven individuals and received credible information about the two other cases from trial observation and interviews with other detainees. Human Rights Watch also interviewed family members, lawyers, and UN staff about these cases and observed several trials in Rwanda in which similar statements were made about transfers from Congo to illegal military detention in Rwanda during the DDRRR process.

In one case MONUSCO agents were allegedly directly involved in the illegal transfer of a Congolese citizen from Congo to military detention in Rwanda (see Box 5).

Three former FDLR combatants stated during their trial in Rwanda and in interviews with Human Rights Watch that they had been arrested in Congo and handed over to Rwandan military after they had started the DDRRR program and were already in contact with MONUSCO staff:

**Case one:** A former detainee told Human Right Watch and the judges during his trial in 2012 and 2013 that he had left the FDLR, contacted MONUSCO, and was registered in the

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<sup>122</sup> UNHCR registration number 01412H00058.

<sup>123</sup> The RDRC is co-funded by the Rwandan government and the World Bank, which also operates a trust fund with contributions from the governments of Sweden, the Netherlands, Germany, and Japan, as well as UNICEF. See Rwanda Demobilization and Reintegration Commission, “International partners,” no date, <http://demobranda.gov.rw/partners/international.html> (accessed October 4, 2017).

DDRRR program and scheduled for repatriation for Rwanda.<sup>124</sup> But on the designated day of his repatriation to Rwanda, in February 2011, he was instead arrested by the Congolese police. He told Human Rights Watch:

I heard someone knock on the door of the place where I lived. I opened the door and they said they were from the police.... They handcuffed me and my wife and brought us in their vehicle to their office [at the “T2”].... Another man took me out [of the “T2”]. My wife stayed [in Congo]. They put me in a car, handcuffed me, and we crossed the border [to Rwanda].... They took me to Mukamira, and I stayed there for a month and a half.<sup>125</sup>

He said that the Rwanda Demobilization and Reintegration Commission (RDRC) looked for him and found him after one month in illegal detention in Rwanda.<sup>126</sup> His arrest in Congo and transfer to Rwanda was confirmed to Human Rights Watch by a UN staff member and another former detainee.<sup>127</sup> He told Human Rights Watch he was seriously beaten in Mukamira military camp.<sup>128</sup>

**Case two:** A former combatant told Human Rights Watch that Rwandan and Congolese military arrested him in January 2011 in Goma, after he had left the FDLR, spent seven months in a MONUSCO DDRRR camp and had requested asylum in Congo (he did not want to go back to Rwanda). He was then transferred to Rwanda where he was tortured and illegally detained for more than five months, first in the military barracks of the “Gendarmerie,” then in a private house, and later in the Kami military camp.<sup>129</sup> Another former detainee confirmed that he saw him in Kami.<sup>130</sup> After his transfer to a regular police station in Kigali, a MONUSCO staff member visited him in Rwanda after being contacted by

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<sup>124</sup> Human Rights Watch trial observation, Musanze High Court, December 13, 2012 and March 21, 2013; *Prosecutor v. Jérôme Nsanziimana et al.*, High Court of Musanze, case No. RP 004611/HC/MUS, March 21, 2013; and Human Rights Watch interview with former detainee, Rubavu, May 3, 2014.

<sup>125</sup> Signed trial statement of former detainee, on file with Human Rights Watch.

<sup>126</sup> *Ibid.*

<sup>127</sup> Human Rights Watch interview with former detainee, Rubavu, January 24, 2013; Human Rights Watch interview with UN staff member, Goma, DR Congo, May 18, 2013.

<sup>128</sup> Human Rights Watch interview with former detainee, Rubavu, May 3, 2014.

<sup>129</sup> Human Rights Watch phone interview with former detainee, November 25, 2016.

<sup>130</sup> Human Rights Watch interview with former detainee, Rubavu, August 26, 2011.

the detainee's wife.<sup>131</sup> He was released soon after. His arrest in Congo, the transfer to Rwanda, and the visit by a MONUSCO staff member were confirmed by a UN official.<sup>132</sup>

**Case three:** A former FDLR combatant stated during his trial in Rwanda in 2013 that he had been arrested in Congo by the Congolese military who then handed him over to the Rwandan military after he was already in contact with MONUSCO staff to start the DDRRR process. Human Rights Watch spoke to two former co-detainees who confirmed his arrest in Congo and said he was later illegally detained in Kami military camp in Rwanda.<sup>133</sup>

Three former FDLR combatants said they were arrested in Rwanda and ill-treated in military detention shortly after MONUSCO had facilitated their transfer from Congo to Rwanda as part of the DDRRR process:

**Case four:** A former FDLR combatant said during his trial in 2011 that, in September 2010, Rwandan military intelligence officials arrested him in the Mutobo demobilization center in Rwanda, took him to the premises of the Ministry of Defence in Kigali, and told him that, if he did not want to die, he had to sign a statement saying he had returned to Rwanda to launch attacks on behalf of the FDLR.<sup>134</sup> In the appeal proceedings, the Supreme Court confirmed that “the trial file shows that [name of the accused] was arrested in Congo, handed over to MONUSCO and brought to Mutobo camp where he was arrested by military intelligence.”<sup>135</sup>

**Case five:** A former FDLR combatant told Human Rights Watch, “When I arrived in Rwanda [in 2010], MONUSCO handed me over to the leaders of Rubavu district, but while members of the [Rwandan] demobilization commission were questioning me, I saw Rwandan military intelligence officials arriving. They separated me from the others and took me to a military camp in Gisenyi [Rubavu].” Rwandan military intelligence arrested him and illegally

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<sup>131</sup> Human Rights Watch phone interview with former detainee, November 25, 2016.

<sup>132</sup> Human Rights Watch interview with UN staff member, Goma, DR Congo, May 18, 2013.

<sup>133</sup> Human Rights Watch trial observation, *Prosecutor v. Jérôme Nsanzimana et al.*, High Court of Musanze, case No. RP 004611/HC/MUS, March 21, 2013. Human Rights Watch interview with former detainee, Rubavu, May 7, 2014; Human Rights Watch interview with former detainees, Rubavu, May 7, 2014.

<sup>134</sup> Human Rights Watch trial observation, Kigali High Court, March 28 and November 28, 2011; *Prosecutor v. Mukeshimana Jean Berchmans et al.*, Supreme Court, Case No. RPA 0090/12/CS, March 4, 2016, para. 129.

<sup>135</sup> *Prosecutor v. Mukeshimana Jean Berchmans et al.*, Supreme Court, Case No. RPA 0090/12/CS, March 4, 2016, para. 132.

detained him in various military detention facilities, including Kami military camp, for six months. He was regularly beaten.<sup>136</sup> A former co-detainee corroborated his story.<sup>137</sup>

**Case six:** A former FDLR combatant told Human Rights Watch that, after MONUSCO had transferred him to Rwanda in September 2011, he was taken to Mukamira military camp, where he was detained for two months and regularly beaten.<sup>138</sup> He was held at Mukamira with another former detainee, who confirmed that the former combatant was seriously beaten in Mukamira.<sup>139</sup>

#### **Box 5 – Case seven: Arrested and Illegally Transferred to Rwanda by the UN**

In 2011, a Congolese citizen, “Théophile,” was illegally transferred from Congo to military detention in Rwanda and subjected to serious abuses in both Congo and Rwanda. MONUSCO staff are alleged to have been directly involved in his illegal transfer. The former detainee told Human Rights Watch that Congolese military arrested him in April 2011, at the request of a member of MONUSCO’s DDRRR unit.<sup>140</sup> This was confirmed by two members of the DDRRR team.<sup>141</sup> His arrest appeared to be at least partly linked to internal problems within the DDRRR unit.

“Théophile” spent around five months at the “T2” military intelligence prison in Goma, where he was severely tortured. He told Human Rights Watch:

[The FARDC] started beating me.... They put a stapler in my mouth and they tied my mouth shut with a shirt. They turned me over and continued beating me. They were saying, “You will accept you were a soldier!” At one point during the beating, the staples went down my throat [and] one got caught there. Later it hurt so much when I tried to eat. About two months later, the staple came out of my throat.<sup>142</sup>

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<sup>136</sup> Human Rights Watch interview with former detainee, Musanze, March 31, 2016.

<sup>137</sup> Human Rights Watch interview with former detainee, Kampala, July 10, 2012.

<sup>138</sup> Human Rights Watch phone interview with former detainee, October 26, 2016.

<sup>139</sup> Human Rights Watch interview with former detainee, Rubavu, January 24, 2013.

<sup>140</sup> Human Rights Watch interview with former detainee, Rubavu, January 24, 2013.

<sup>141</sup> Human Rights Watch interview with MONUSCO staff member, Goma, DR Congo, February 28, 2013; Human Rights Watch interview with MONUSCO staff member, Goma, DR Congo, May 18, 2013

<sup>142</sup> Human Rights Watch interview with former detainee, Rubavu, January 24, 2013.

Members of MONUSCO's DDRRR unit visited him in detention, but said this was an issue for the Congolese military to handle.<sup>143</sup> Human Rights Watch spoke with two individuals who separately confirmed his detention at the "T2."<sup>144</sup>

After five months at the "T2," "Théophile" was taken to the DDRRR camp in Goma, where he was processed as a combatant, even though he denied being one. He was then taken to Rwanda in a MONUSCO vehicle, and a MONUSCO staff member intervened at the border crossing to secure his transfer to Rwanda.<sup>145</sup>

On the Rwandan side of the border, "Théophile" was first taken to the "Gendarmerie," together with a former FDLR combatant. They were both then transferred to Mukamira military camp, where they stayed for around a month.<sup>146</sup> Both men were then transferred to an official detention center and brought to trial, accused of endangering state security. "Théophile" was acquitted.<sup>147</sup>

Human Rights Watch staff noted in 2013 that liquid came out of a hole in his throat after he drank, as a result of his 2011 ordeal at the "T2."

On April 14, 2017, MONUSCO responded to written questions submitted by Human Rights Watch. Regarding individuals detained in military custody after they were repatriated through the DDRRR process, MONUSCO said:

Whenever [we] received reports that a person repatriated through DDR/RR was in military custody in Rwanda, a member the DDR/RRR [sic] team would visit the person and organize his/her release. However, since MONUSCO does not have, and never did have, DDDRR [sic] staff in Rwanda it is not always aware of such cases.

Since 2015, possibly before, but this cannot be confirmed, no ex-combatant has ever been arrested subsequent to entering the MONUSCO DDRRR process. If a legitimate candidate for DDR/RR is arrested and MONUSCO is

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<sup>143</sup> Ibid.

<sup>144</sup> Human Rights Watch interview with family member of former detainee, Goma, DR Congo, January 30, 2013; Human Rights Watch interview with MONUSCO staff member, Goma, DR Congo, May 18, 2013.

<sup>145</sup> Human Rights Watch interview with former detainee, Rubavu, January 24, 2013.

<sup>146</sup> Human Rights Watch phone interview with former detainee, October 26, 2016.

<sup>147</sup> Human Rights Watch trial observation, Musanze, 2012.

made aware, MONUSCO intervenes if the person has expressly his/her wish [sic] to surrender to MONUSCO.<sup>148</sup>

Regarding the case of “Théophile” (above), the peacekeeping mission wrote, “Unfortunately, MONUSCO cannot effectively trace the 2011 incident without [more information]. MONUSCO therefore cannot comment at this stage on the lawfulness of a transfer and detention.”<sup>149</sup>

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<sup>148</sup> Letter from MONUSCO to Human Rights Watch, April 14, 2017, copy on file with Human Rights Watch.

<sup>149</sup> Ibid.

## IV. Leaving Military Detention

After detaining them unlawfully for several weeks or months, the Rwandan military or intelligence operatives either released detainees or transferred them to the regular justice system to stand trial. However, Human Rights Watch has documented several cases in which people believed to be detained by the Rwandan military or intelligence services never reappeared. Their fate remains unknown; they continue to be victims of enforced disappearances.

Many of the detainees whose cases went to trial told judges about their detention and torture in military centers, despite pressure not to reveal such information. However, in the trials that Human Rights Watch observed, judges did not dismiss confessions or evidence allegedly obtained under torture or order in-depth investigations into allegations of torture. Many detainees were too scared to file a formal complaint against those who had abused or tortured them, even though several of them knew the perpetrators' identity.

### Release

The RDF released some detainees as suddenly and as arbitrarily as they had arrested them, often in groups, without any charges or judicial procedure. Two detainees told Human Rights Watch that after spending more than a month in Kami, they were driven in a convoy back to their home region and simply released.

Another former detainee described to Human Rights Watch how the authorities released him and a group of other detainees from Kami in 2011:

[After seven months of detention] they told me I was forgiven. They said, "We will forgive you as you won't accept your crime." They put us in a military bus ... and took us to the [bus] station at Nyabugogo. They gave us 5,000 francs (about US\$6) each and told us to go home.<sup>150</sup>

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<sup>150</sup> Human Rights Watch interview with former detainee, Cibitoke, Burundi, July 1, 2012.

A female former detainee told Human Rights Watch that, one day in March 2011, after she had spent eight months in Kami, she was told to wash to prepare to return home. “[The soldiers] said to me, ‘We forgive you ... go home and join your children. Do not talk about this place.... If someone asks where you have been, say you were in Kigali.’”<sup>151</sup> The soldiers drove her back to her home province and gave her money for a motorcycle taxi to go home.

## Into the Regular Justice System

Most of those who were not released were transferred to the regular civilian or military justice system. They were taken to an official detention center, such as a police station or a recognized prison, and a prosecutor questioned them. Most were then charged and, after a lengthy period of pre-trial detention, brought before a judge (see below). Six of the trials Human Rights Watch observed took place in a civilian court and one in a military court.<sup>152</sup>

Before transferring them to official detention facilities, military, intelligence, or police officials made detainees sign documents stating they had been arrested on the date of their transfer, rather than their actual date of arrest, thereby erasing their military detention from the record. One former detainee told Human Rights Watch, “They brought me a piece of paper [and] told me to sign it. I asked to read it but they slapped me. So, I just signed it.”<sup>153</sup> The paper was his police statement and was dated 25 days after he was arrested and taken to Kami.

Officials at the military detention centers told detainees not to talk about their detention there. A former detainee told Human Rights Watch, “When we were at Kami, we were told not to say where we had been or what had happened. They said this to everyone.”<sup>154</sup> Another former detainee told Human Rights Watch in June 2012, “We were forbidden to talk

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<sup>151</sup> Human Rights Watch interview with former detainee, Bugesera, Rwanda, June 25, 2012.

<sup>152</sup> Under Rwandan law, military courts have authority to try offenses by military personnel and their co-accused, even when the co-accused are civilians. See Organic law determining the organization, functioning and jurisdiction of Courts, N° 51/2008, arts. 137 and 148.

<sup>153</sup> Human Rights Watch interview with former detainee, Rubavu, July 17, 2014.

<sup>154</sup> Human Rights Watch interview with former detainee, Kigali, June 22, 2012.



about Kami. When we were preparing to leave, Karemera<sup>155</sup> and Murenzi<sup>156</sup> said that if we spoke about Kami, we would be sent back there.”<sup>157</sup>

After detainees were transferred to official detention centers or prisons, prosecuting authorities warned several detainees again not to speak about what happened to them.

In their statements, some detainees mentioned their illegal detention and forced confessions, but hesitated to tell the prosecutor about the torture they had endured. One detainee who was held in Kami told Human Rights Watch:

We were taken to Nyamirambo [in Kigali]. I was alone in front of the prosecuting authorities. I think it was the assistant prosecutor. He had a copy of what I had signed and he started to ask me questions. He said, “You admitted to this, so admit to everything. How did you plan this [crime]?” I said, “I did not do that. I signed because I was in a bad situation.” He said, “Why didn’t you just refuse to confess?” I said, “There were military everywhere and I was scared, but before a public prosecuting official, I have to tell the truth.” I was still scared to say I was beaten. I said that I had spent nine months at Kami and he wrote that down.<sup>158</sup>

A former detainee who was arrested in September 2011 and was badly beaten in Mukamira told Human Rights Watch:

When we were leaving to be transferred to Nyabihu district police office, [the soldiers at Mukamira] said, “If you don’t confess, we will bring you back here [to Mukamira].” They said to me, “Don’t say you were detained at Mukamira. Say you were at Nyabihu.” I agreed. I was taken to Nyabihu with four other detainees.... At Nyabihu, we were taken to the sector [local government] office and questioned by a judicial official. He asked me why I

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<sup>155</sup> Nine former detainees mentioned the presence of Lt. Emmanuel Karemera in Kami in 2010. Several described him as a commanding officer who oversaw detention in Kami and said he was involved in threatening and torturing detainees.

<sup>156</sup> Eight former detainees told Human Rights Watch that an official known as “Captain Murenzi” oversaw interrogations, forced confessions and torture in Kami and MINADEF in 2010.

<sup>157</sup> Human Rights Watch interview with former detainee, Cyangugu, June 14, 2012

<sup>158</sup> Ibid.

was arrested. I told the story about coming from Congo and I said I had been in Mukamira for a month. He said, “How were you detained in a military camp?” I said, “I was driven there, I was beaten there, I was told to accept things and I accepted.” He said, “No, you are all FDLR in this group.” I denied it. He said, “Don’t lie.” He wrote down what he wanted and said, “Ok, you will spend 30 days in jail.” I just replied to his questions. I didn’t read the document.<sup>159</sup>

## Visits

Most family members only saw their disappeared relatives when the authorities released them, transferred them to a regular prison, or put them on trial—or, in some cases, only after their conviction. A man arrested in Burundi in September 2010 told Human Rights Watch that he only saw his family when the authorities transferred him to an official prison in March 2012, after his conviction. “My sister said they thought I was dead. She said they had looked everywhere. My father died of a heart attack when he learned I had been arrested.”<sup>160</sup>

The lack of knowledge about the fate and whereabouts of their loved ones caused serious psychological harm for many family members of the disappeared. Some families organized mourning periods for relatives they assumed to be dead, only to discover many months later that they were alive.

Several former detainees from Kami and Mukamira told Human Rights Watch that staff from the International Committee for the Red Cross (ICRC) visited them in detention. A former detainee in Kami told Human Rights Watch that it was thanks to the ICRC, who visited him, that he survived his eight months in detention.<sup>161</sup> Some detainees were punished for talking to ICRC staff. A detainee who was in Kami in April 2014 told Human Rights Watch:

After the ICRC staff left, soldiers came to ask us what we had told them. I said, “Nothing.” The soldiers said, “You are a traitor. You talked for a long

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<sup>159</sup> Human Rights Watch interview with former detainee, Rubavu, March 6, 2013.

<sup>160</sup> Human Rights Watch interview with former detainee, Cyangugu, June 13, 2012.

<sup>161</sup> Human Rights Watch interview with former detainee, Kigali, August 26, 2011.

time with the ICRC and, what's more, in a language we don't understand.”  
After the ICRC left, they tortured me.<sup>162</sup>

Two former detainees told Human Rights Watch that following their transfer to a regular prison in 2014, ICRC staff members visited them there. A prosecutor then came to see them, accompanied by men who said they were from the National Commission for Human Rights (NCHR) and from a nongovernmental organization. One of the detainees told Human Rights Watch:

There were four men, but we thought they were all soldiers. They looked like soldiers. [The prosecutor] said, “It is not good that you spoke with those white people. You don't need to speak to white people. It will make your problems worse.”<sup>163</sup>

The other former detainee said that the people introduced to them as NCHR staff asked him questions about his arrests and detention conditions, and then said: “You don't have any more problems anymore, right?” The prosecutor told him, “The white people come to tell lies. They are lying to you. They are fooling you.”<sup>164</sup>

A former detainee told Human Rights Watch that during his detention in Mukamira in May 2016, he was questioned by someone whom an army captain introduced as being from ‘human rights,’ probably referring to the NCHR:

He was there to question us. There were also two soldiers in the room when I was interviewed.... [The army captain] said, “You have the good fortune to be given the chance to confess. Tell the truth.” The man from ‘human rights’ said, “Yes, I am from human rights, you must tell the truth.”<sup>165</sup>

Human Rights Watch saw six letters written to the NCHR by people close to individuals who disappeared in 2014, alerting the NCHR about the disappearances and providing

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<sup>162</sup> Human Rights Watch interview with former detainee, Goma, DR Congo, October 28, 2014.

<sup>163</sup> Human Rights Watch interview with former detainee, Rubavu, July 17, 2014.

<sup>164</sup> Human Rights Watch interview with former detainee, Rubavu, October 29, 2014.

<sup>165</sup> Human Rights Watch interview with former detainee, Musanze, October 12, 2016.

additional information. Human Rights Watch documented the illegal detention in Kami military camp of three of the cases described in these letters. Two of them were detained in Mukamira military camp before their transfer to Kami. Two were seriously beaten in illegal detention, to extract confessions.

The NCHR has the responsibility to visit all places of detention “with the purpose of inspecting whether the rights of detainees are respected and urge relevant authorities to address identified cases of violation of the rights of detainees.”<sup>166</sup> In its annual reports between 2010 and 2016, however, the commission has never reported on military detention.<sup>167</sup>

In an April 2016 meeting with the NCHR, representatives told Human Rights Watch, “There is no torture in Rwanda.” One representative told Human Rights Watch that he had been to Kami multiple times, but that there were no detainees there.<sup>168</sup> In January and August 2017, Human Rights Watch wrote to the NCHR to request its response to the findings in this report and several questions, but received no response.

## Trials

Human Rights Watch observed seven trials related to security offenses in Rwanda,<sup>169</sup> including the following:

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<sup>166</sup> Law determining missions, organization and functioning of the National Commission for Human Rights, no. 19/2013 of 25/03/2013, art. 6.

<sup>167</sup> In its annual report of 2003, the NCHR reported that a military official had been illegally detained in Kami. Representatives discussed this issue with military authorities and visited the detainee. The NCHR also mentioned a complaint from an individual who had allegedly spent 21 days in Mukamira military camp. Following the complaint, the NCHR requested the military prosecution and the military authorities to investigate into this case and prosecute the individuals involved. National Commission for Human Rights, “Annual Report 2003,” July 2004, [http://www.cndp.org.rw/fileadmin/user\\_upload/reports/Annual%20report%202003.pdf](http://www.cndp.org.rw/fileadmin/user_upload/reports/Annual%20report%202003.pdf) (accessed September 28, 2017), p. 18, 56, and 57.

<sup>168</sup> Human Rights Watch interview with members of the National Commission for Human Rights, Kigali, April 26, 2016.

<sup>169</sup> On May 14, 2014, the Ministry of Justice gave Human Rights Watch a table of trials related to crimes against state security. The table included most of the cases described in this chapter, and contained references to several other trials, including that of Jean de la Croix Tuyisenge and 19 other people accused of stealing television sets and other electronic goods. Human Rights Watch researched this case and observed several hearings. Many of the accused were detained unlawfully by the police for several weeks in two unofficial detention centers in Kigali, known as *Chez Kabuga* and *Chez Gacinya*. At least 13 of them stated in court that the police had tortured them, mostly in *Chez Gacinya*. The judges dismissed their claims on the basis that they lacked evidence and failed to order investigations into their alleged torture. Human Rights Watch interviews, Kigali and Rubavu, August 2012 to December 2013 and Human Rights Watch trial observation, Gasabo Intermediate Court, Kigali, July 23, August 16 and August 22, 2012. See also Tuyisenge Jean de la Croix et al., Gasabo Intermediate Court, case No. RDP0386/12/TGI/GSBO-006170/S2/12/DC/MJB, August 23, 2012. For details on *Chez Kabuga* and *Chez Gacinya*, see Human Rights Watch, “*Why Not Call This Place a Prison?*”: *Unlawful Detention and Ill-Treatment in Rwanda’s Gikondo Transit*

- Trial of Jean Berchmans Mukeshimana and 29 co-accused, Kigali, January 2012**

Thirty people were tried by the Kigali High Court in relation to their alleged participation in a series of grenade attacks in Rwanda since 2008. Several defendants confessed to participating in the attacks and being members of the FDLR; others denied the charges. Twenty-five defendants made statements in court about their illegal detention in military custody; six said they had been detained in Kami, two in MINADEF. Six accused said they had been tortured with a view to extracting confessions. Only four defendants were assisted by a lawyer. On January 13, 2012, the court handed 22 defendants sentences ranging from five years to life imprisonment, for participation in terrorist activities, offenses against internal state security, murder, attempted murder, and forming a criminal gang. The court acquitted and subsequently released eight defendants.<sup>170</sup> On March 4, 2016, in appeal, the Supreme Court confirmed the sentences handed down during the first instance judgment.<sup>171</sup>
- Trial of Jean-Baptiste Kanyamuhanda and 12 co-accused, Musanze, December 2012**

Thirteen people were tried by the High Court in Musanze on charges of endangering state security, in collaboration with the FDLR. Several confessed being FDLR combatants; others denied the charges. Eight defendants said they were detained in Mukamira, one after transiting through the “Gendarmerie.” Four said they had been tortured. Only four defendants were assisted by a lawyer during the trial. On December 6, 2012, the court convicted nine defendants to life imprisonment for endangering state security. Two others were sentenced to eight and ten years in prison, and one was acquitted. Their appeal at the Supreme Court has been set for October 16, 2017.<sup>172</sup>
- Trial of Janvier Ndayambaje and 15 co-accused, Musanze, January 2013**

Sixteen people were tried by a specialized chamber of Musanze High Court on charges of creating an armed group, as FDLR combatants, spies, or recruiters. One said he had been detained in Mukamira, and two others said they had been tortured. None of the

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Center, September 24, 2015, <https://www.hrw.org/report/2015/09/24/why-not-call-place-prison/unlawful-detention-and-ill-treatment-rwandas-gikondo#517e6a>.

<sup>170</sup> Human Rights Watch trial observation, *Prosecutor v. Jean Berchmans Mukeshimana et al.*, Kigali High Court, Case No. RP0027/11/HC/KIG-RP 0036/11/HC/KIG, January 13, 2012.

<sup>171</sup> *Prosecutor v. Jean Berchmans Mukeshimana et al.*, Supreme Court, Case No. RPA 0090/12/CS, March 4, 2016.

<sup>172</sup> Human Rights Watch trial observation, *Prosecutor v. Jean Kanyamuhanda*, Musanze High Court, Case No. RP 0054/11/HC/MUS, December 6, 2012.

defendants were assisted by a lawyer. On January 8, 2013, the court sentenced seven defendants to seven years in prison and one defendant to twenty years, for conspiring against the government by organizing the recruitment of FDLR fighters. One defendant who confessed to collaborating with the FDLR saw his sentence reduced to three years. The court acquitted seven others because of lack of evidence.<sup>173</sup> In appeal, the sentences of those who interjected appeal were reduced, from seven to six years and from twenty to ten years.

- **Trial of Jérôme Nsanzimana and 17 co-accused, Musanze, March 2013**

Eighteen people were tried by the Musanze High Court on charges of membership of an unrecognized armed force (the FDLR). The prosecution accused them of planning attacks in Rwanda and spying. Four defendants confessed in court that they were former members of the FDLR. Eleven defendants mentioned their illegal detention, of which ten told the judges that they had been detained in Mukamira. Three said they had transited through the “Gendarmerie.” Four said they had been tortured. Only one defendant was assisted by a lawyer. On March 21, 2013, the court sentenced seven defendants to three and a half to eight years in prison, and acquitted eight others, who were subsequently released. The case of three others was dissociated from the trial and treated separately.<sup>174</sup> In appeal, the sentences of four convicted who interjected appeal was upheld and one was freed.

- **Trial of Aboubacar Nsabiyeze and seven co-accused, Musanze, May 2014**

Eight people were tried by the Musanze High Court on charges of endangering state security by collaborating with the FDLR, including by spying or otherwise providing support to the FDLR. Several accused retracted earlier confessions in court. Some confessed that they had been with the FDLR in the past, but denied the accusations against them. On May 22, the Court convicted one defendant to fifteen years in prison, six others to ten years, and acquitted the last one.<sup>175</sup>

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<sup>173</sup> Human Rights Watch trial observation, *Prosecutor v. Janvier Ndayambaje et al.*, High Court of Musanze, Specialized Chamber, case No. RP 0108/11/HC/MUS, January 8, 2013.

<sup>174</sup> Human Rights Watch trial observation, *Prosecutor v. Jérôme Nsanzimana et al.*, High Court of Musanze, case No. RP 004611/HC/MUS, March 21, 2013.

<sup>175</sup> *Prosecutor v. Aboubacar Nsabiyeze et al.*, Musanze High Court, Case No. RP0052/13/HC/MUS, May 22, 2014,

- **Trial of Xaverina Mukashyaka and 12 co-accused, Musanze, July 2015**

Thirteen people were tried by Musanze High Court on charges of complicity in offenses against the government and in terrorist acts. The prosecution accused them of inciting the population to collaborate with the FDLR. Five defendants stated they had been detained in Kami. Five told the judges they had been tortured, to extract confessions and to incriminate others. Five defendants were assisted by a lawyer. On July 29, 2015, the court sentenced six defendants to twenty years in prison and acquitted seven others, who were subsequently released. At the time of writing, the appeal at the Supreme Court is still pending.<sup>176</sup>

- **Trial of Joel Mutabazi and 15 co-accused, Kigali, October 2015**

Sixteen people were tried by the Military High Court in Kigali on several security-related charges. Joel Mutabazi, a former presidential bodyguard, was accused of planning to kill President Paul Kagame and of coordinating grenade attacks in 2013 (see Box 6). Eight defendants, including Mutabazi, stated in court that they had been tortured. One said he had been detained in Kami. Most were assisted by a lawyer. In October 2014, the court sentenced Joel Mutabazi and one co-accused to life imprisonment. Twelve other defendants received sentences ranging from four months to twenty-five years, and two were acquitted. Eleven defendants, including Mutabazi, have appealed to the Supreme Court. At the time of writing, no date has been announced for the appeal.<sup>177</sup>

#### **Box 6 –**

##### **Joel Mutabazi: Tortured in Kami, Abducted from Uganda, Sentenced to Life Imprisonment**

Joel Mutabazi, a former bodyguard of Rwandan President Paul Kagame, was arrested in April 2010 and detained in Kami. Four former detainees informed Human Rights Watch that they saw him while he was detained there. He was reportedly arrested because of his suspected links with the RNC and because he had a picture in his phone of Kayumba Nyamwasa, a former senior military official currently in exile and leader in the RNC. Former detainees said he was regularly beaten in Kami, permanently handcuffed, and had padlocks on his ankles. Mutabazi was quoted in a news article

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<sup>176</sup> Human Rights Watch trial observation, *Prosecutor v. Xaverina Mukashyaka et al.*, High Court of Musanze, case No. RP 0021/14/HC/MUS, July 29, 2015.

<sup>177</sup> Human Rights Watch trial observation, *Military Prosecutor vs. Joel Mutabazi et al.*, Military High Court, Kigali, RP 0003/013/MHC, October 3, 2015.

saying that he had been half-suffocated and was given electric shocks.<sup>178</sup> He was released from Kami in October 2011.

Mutabazi's wife and brother stated, in an unrelated extradition hearing in the United Kingdom, that they had seen evidence of torture on Mutabazi's body after his release from Kami, which the court found "compelling."<sup>179</sup> Mutabazi later stated in his own trial that he had been tortured and forced to sign statements in Kami.<sup>180</sup>

Mutabazi fled Rwanda and sought asylum in Uganda in October 2011. He was granted refugee status. After an assassination attempt in July 2012 by unknown perpetrators, he was moved to a safe house for his protection. In August 2013, a bungled-up abduction attempt failed. But in October 2013, he was abducted and forcibly returned by Ugandan police to Rwanda.<sup>181</sup> His whereabouts were unknown for six days, until the Rwandan police announced that he was in their custody. Several of his co-accused were arrested around the same time.

In October 2014, the military high court in Kigali found Mutabazi guilty of terrorism, forming an armed group, and other offenses linked to alleged collaboration with the RNC and the FDLR, as well as accusations that he had planned to kill President Paul Kagame and had coordinated grenade attacks in Kigali in 2013. He was sentenced to life in prison.

Several of Mutabazi's family members were also arrested and stood trial with him. His younger brother, Jackson Karemera, who also lived in Uganda, was sentenced to four months in prison in the same trial, released, and then rearrested. The fate and whereabouts of Karemera remain unknown. Mutabazi's brother-in-law, John Ndararasa, a journalist, disappeared in Kigali on August 7, 2016. He resurfaced in Kigali on March 6, 2017, nearly seven months after his disappearance. He told media that he had fled the country, but decided voluntarily to come back. This story raised suspicions among many observers. Human Rights Watch has documented numerous cases in Rwanda, some outlined in this report, where former detainees were forced to make false claims following months of illegal, secret detention, and torture.<sup>182</sup>

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<sup>178</sup> Jerome Starkey, "On the run from Rwandan assassins: 'Paul Kagame has no mercy. He is a killer,'" *The Times*, October 8, 2012, <https://www.thetimes.co.uk/article/on-the-run-from-rwandan-assassins-paul-kagame-has-no-mercy-he-is-a-killer-v7sknbjpodz> (accessed September 28, 2017).

<sup>179</sup> *The Government of the Republic of Rwanda v. Vincent Brown, et al.*, Westminster Magistrates' Court, December 22, 2015.

<sup>180</sup> Human Rights Watch trial observation, Military High Court, Kigali, May 13, and October 3, 2014.

<sup>181</sup> "Uganda/Rwanda: Forcible Return Raises Grave Concerns," Human Rights Watch news release, November 4, 2013, <https://www.hrw.org/news/2013/11/04/uganda/rwanda-forcible-return-raises-grave-concerns>.

<sup>182</sup> "Rwanda: Opposition Activist Missing," Human Rights Watch news release, September 29, 2016, <https://www.hrw.org/news/2016/09/29/rwanda-opposition-activist-missing>.



## Allegations of Torture and Illegal Detention in Court, and Unfair Trials

In numerous trials observed by Human Rights Watch, judges put pressure on defendants to prevent them from testifying about their time in military detention. Despite this, in trials observed by Human Rights Watch, at least 51 defendants<sup>183</sup> stated in court that they had been detained illegally, often mentioning Kami, Mukamira, the “Gendarmerie,” MINADEF, or other locations. Twenty-nine defendants stated in court during trials observed by Human Rights Watch that they were tortured, and some described the torture methods in detail (for more information, see the table in Appendix I).

One defendant told the court:

I was kidnapped on April 25, 2014, and I was taken to a military camp where I was illegally detained for 40 days. The torture they inflicted on me is beyond comprehension. They tied a string to my genitals weighed down with a stone and forced me to stand up and walk while pulling that string. Let me undress to show you how I suffered from that torture.<sup>184</sup>

The judge responded:

No, you don’t need to undress because it won’t prove what you are saying. Instead, prove to me that you were kidnapped and made to disappear. Do not come back to [the issue of] torture. You don’t have any evidence to prove it.<sup>185</sup>

In the appeal proceedings in another trial, the Supreme Court took a similar position:

The court thinks that even if [name of the accused withheld] says that he was beaten by intelligence agents and that he was ill-treated, what brought him to confess that he is a member of the FDLR and contributed 20,000

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<sup>183</sup> A total of 51 defendants stated in trials observed by Human Rights Watch that they had been illegally detained. Human Rights Watch also spoke to many of these defendants about their conditions of detention.

<sup>184</sup> Human Rights Watch trial observation, Musanze High Court, May 27, 2014.

<sup>185</sup> Ibid.

Rwandan Francs [about \$24] [to the FDLR]? This doesn't clear his charges, as he has not been able to prove [the allegations of mistreatment].<sup>186</sup>

These responses illustrate the attitude of many Rwandan judges to defendants' torture allegations. In all the trials observed by Human Rights Watch, judges failed to order a thorough and independent investigation into torture allegations, as required by their obligations under international human rights law. On the contrary: judges placed the onus on defendants to prove they had been tortured, which, in most cases, was very difficult, as significant time had elapsed since the torture, and most torture victims had not had access to medical examinations. In cases where the defendants wanted to show the judges evidence of torture, such as scars, photographs, or medical documents, the judges often refused to consider such evidence. In some cases, judges told defendants who said they had been tortured that they were lying. In the conclusion of the trial of Mutabazi and his co-accused, the president of the court said that the court had sentenced several defendants to long prison terms because they had lied about being tortured.<sup>187</sup>

Citing what they claimed was absence of proof, judges also refused to dismiss evidence or confessions which, according to the defendants, were obtained under torture. Under Rwandan law, an individual can only withdraw a confession when he or she is able to prove that it was a result of physical torture.<sup>188</sup> However, under international law, the obligation is on the state, not the accused, to ensure that any statement "made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made."<sup>189</sup>

Several defendants in the trials observed by Human Rights Watch were convicted solely based on their earlier confessions, which they said were extracted under torture and which they retracted during the trial. Others were convicted based on accusations of their co-defendants, some of whom also told the judges that they had been tortured. This raises serious questions about the fairness of such trials.

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<sup>186</sup> *Prosecutor v. Mukeshimana Jean Berchmans et al.*, Supreme Court, Case No. RPA 0090/12/CS, March 4, 2016, para. 102.

<sup>187</sup> Human Rights Watch trial observation, Kigali High Court, October 3, 2014.

<sup>188</sup> Law relating to evidence and its production, No. 15 of 12/06/2004, art. 110.

<sup>189</sup> Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture), adopted December 10, 1984, entered into force June 26, 1987, ratified by Rwanda December 15, 2008, art. 15.

Only a small number of defendants in trials observed by Human Rights Watch were assisted by a lawyer. Those who were assisted told Human Rights Watch about the limitations of their legal assistance. One former detainee told Human Rights Watch that his lawyer withdrew from the case before the trial started, because he was afraid.<sup>190</sup> Another said his lawyer had advised him not to speak about the torture inflicted on him, as it would complicate his case.<sup>191</sup> Several detainees confirmed that lawyers were afraid to take on such sensitive cases and reluctant to mention their clients' torture and illegal detention in court. Some lawyers, however, did mention in court that their clients had been tortured or illegally detained.

### **Box 7 – Military Court Fails to Investigate Torture Allegations**

The conviction of three former Rwandan military officials in a flawed trial in 2016 is a clear example of the military high court's disregard of torture allegations.

Starting in January 2015, three (retired) military officials—retired Brig. Gen. Frank Rusagara (former secretary general of the Defence Ministry and military attaché in the Rwandan High Commission in the United Kingdom), Col. Tom Byabagamba (former head of the presidential guard), and retired Sgt. François Kabayiza—were tried by the Military High Court in Kanombe. Rusagara and Byabagamba were charged with inciting insurrection and tarnishing the government's image, in relation to private comments critical of government policy.

Kabayiza said in court that military personnel had tortured him in detention. The judges did not order an investigation into his allegations, claiming he had no proof that he was tortured.

On March 31, 2016, the court sentenced Byabagamba and Rusagara to 21 and 20 years in prison respectively, and sentenced Kabayiza to five years for concealing evidence. Byabagamba and Rusagara are being detained in Kanombe military camp. All three announced they would appeal. At the time of writing, the date of the appeal has not been set.<sup>192</sup>

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<sup>190</sup> Human Rights Watch interview with former detainee, Huye, June 27, 2012.

<sup>191</sup> Human Rights Watch interview with former detainee, Kampala, Uganda, July 10, 2012.

<sup>192</sup> Human Rights Watch trial observation, *Military prosecutor v. Tom Rusagara et al.*, Military High Court, case No. 0006/014/HCM, March 31, 2016. For more information, see "Rwanda: Ex-Military Officers Convicted Over Comments," Human Rights Watch news release, April 1, 2016, <https://www.hrw.org/news/2016/04/01/rwanda-ex-military-officers-convicted-over-comments>.

## Impunity for Perpetrators

Former detainees, including a former soldier, told Human Rights Watch that several officials who detained and ill-treated them were working for the Directorate of Military Intelligence (DMI). The DMI, officially known as “J2,” is the branch of the RDF responsible for military intelligence and security.<sup>193</sup> Since the late 1990s, military intelligence officials have been involved in numerous cases of human rights violations such as those documented in this report.<sup>194</sup> Former detainees also mentioned the involvement of other military, police, and local government officials, as well as officials of the National Intelligence and Security Service (NISS), the civilian intelligence agency.

Many former detainees knew the identity of some of the officials who tortured or ill-treated them. Human Rights Watch received information about dozens of officials involved in such practices, but this report only names those cited by multiple former detainees.

At least five former detainees mentioned the involvement of each of the following officers in illegal detention and torture in MINADEF and Kami in 2010 and 2014:

- **Lt. Emmanuel Karemera:** Nine former detainees mentioned his presence in Kami in 2010. Several described him as a commanding officer who oversaw detention in Kami and said he was involved in threatening and torturing detainees.<sup>195</sup>
- **Lt.-Col. Faustin Tinka:** Seven former detainees mentioned his involvement in interrogations at MINADEF and Kami in 2010. Several told Human Rights Watch that Tinka worked for military intelligence. One of them knew Tinka personally from before his arrest.<sup>196</sup> In 2012, Tinka was appointed defense attaché at the Rwandan High Commission in Tanzania.<sup>197</sup>

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<sup>193</sup> Presidential Order determining the responsibilities, composition and functioning of the decision making councils of the Rwanda Defence Force, No. 34/01 of 03/09/2012, art. 34.

<sup>194</sup> See for example Human Rights Watch, *Rwanda: The Search for Security and Human Rights Abuses*, Vol. 12, no. 1(A) April 2000, <https://www.hrw.org/reports/pdfs/r/rwanda/rwan004.pdf>, p. 4.

<sup>195</sup> Human Rights Watch interviews with former detainees, Cyangugu, Kigali, Rubavu, Kampala (Uganda), and via phone, between August 2011 and September 2016.

<sup>196</sup> Human Rights Watch interviews with former detainees, Cyangugu, Rubavu, Bujumbura (Burundi), Cibitoke (Burundi), and Kampala (Uganda), between April 2012 and March 2016.

<sup>197</sup> “Itangazo ry’ibyemezo by’Inama y’Abaminisitiri yo kuri uyu wa 16 Werurwe 2012,” *Igihe*, March 16, 2012, <http://igihe.com/amakuru/u-rwanda/itangazo-ry-ibyemezo-by-inama-y-abaminisitiri-yo-kuri-uyu-wa-16-werurwe-2012> (accessed September 28, 2017); “High Commission Staff,” High Commission of the Republic of Rwanda in Tanzania, no date, <http://tanzania.embassy.gov.rw/about-the-high-commission/high-commission-staff.html> (accessed September 28, 2017).

- **Captain Murenzi:** Eight former detainees told Human Rights Watch that an official known as “Captain Murenzi” oversaw interrogations, forced confessions and torture in Kami and MINADEF in 2010. Human Rights Watch was unable to confirm his first name. One detainee could read his name on his military uniform. Another mentioned his involvement in arrests in 2014.<sup>198</sup> Murenzi was believed to be responsible for operations at the NISS.
- **Major Prosper, alias “Kaceri”:** Six former detainees mentioned to Human Rights Watch his involvement in interrogation and threats against detainees in MINADEF and Kami in 2010. One said that in 2010, he worked at DMI. He showed his ID card to one detainee and told another his name.<sup>199</sup> In one trial, one of the accused mentioned that, “he confessed after being tortured and repeated [the same confession] again [during questioning] at the prosecutor’s office. Major “Gaceri” [“Kaceri”] was present during interrogations by the military prosecution and forced him to repeat the same thing in front of the civilian prosecutor.”<sup>200</sup>
- **Capt. Richard Ndakaza:** Six former detainees told Human Rights Watch that he oversaw interrogations, forced confessions, and torture at Kami in 2014.<sup>201</sup>

At least two defendants mentioned the names of Lt. Emmanuel Karemera, Captain Murenzi, and Major Prosper, alias “Kaceri,” in their appeal trial submission at the Supreme Court. One also mentioned Lt.-Col. Faustin Tinka.<sup>202</sup>

Human Rights Watch is not aware of any investigation, by any official Rwandan institution, into allegations of illegal detention, torture or ill-treatment in military centers, or into the alleged role of the above-named officers, or their commanding officers.

The military intelligence department of the RDF (J2) is headed by Colonel Jeannot Kibenzi Ruhunga, who replaced Maj. Gen. Richard Rutatina when the latter was dismissed in February 2016. Rutatina served as head of military intelligence for two periods between

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<sup>198</sup> Human Rights Watch interviews with former detainees, Cyangugu, Kigali, Rubavu, Bujumbura (Burundi), Kampala (Uganda), and over the phone, between May 2012 and September 2016.

<sup>199</sup> Human Rights Watch interviews with former detainees, Cyangugu, Huye, Kigali, Cibitoke (Burundi), Bujumbura (Burundi), between April and July 2012.

<sup>200</sup> *Prosecutor v. Mukeshimana Jean Berchmans et al.*, Supreme Court, Case No. RPA 0090/12/CS, March 4, 2016, para. 75.

<sup>201</sup> Human Rights Watch interviews with former detainees, Rubavu, between July and October 2014.

<sup>202</sup> Submission for appeal trial proceedings, on file with Human Rights Watch.

2011 and 2016. In 2011 he replaced Dan Munyuza, who became head of external intelligence at NISS, before both were suspended in January 2012 on grounds of indiscipline.<sup>203</sup> Rutatina was replaced by Lt.-Col. Franco Rutagengwa,<sup>204</sup> but took back over in October 2015.<sup>205</sup> Dan Munyuza is currently the deputy Inspector General of Police in charge of operations.

Between 2010 and 2016, the NISS was headed by Colonel Dr. Emmanuel Ndahiro (until July 2011), Lt. Gen. Karenzi Karake (July 2011 – March 2016) and Brig. Gen. Joseph Nzwabamwita (March 2016 – current). Karake was security and defense advisor of president Paul Kagame, until he retired in July 2017, a post previously occupied by Rutatina (until July 2011) and Lt.-Col. Patrick Karuretha (July 2011 – March 2016), now principal private secretary to president Kagame.<sup>206</sup>

There have been a few cases in which members of the police were tried and convicted for torture. In 2013, two police officers were sentenced to seven years and one to three and a half years in prison on charges related to torture.<sup>207</sup> The NCHR has intervened in response to a number of complaints of ill-treatment by police, resulting in administrative sanctions and the conviction of two policemen in 2009 and two others in 2015.<sup>208</sup> However, none of the NCHR's annual reports between 2010 and 2016 mention unlawful or arbitrary detention or torture in military custody, nor has the NCHR intervened on behalf of detainees in such cases, to Human Rights Watch's knowledge, despite the fact that former detainees wrote

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<sup>203</sup> James Karuhanga, "Top RDF officers suspended," *The New Times*, January 19, 2012, <http://www.newtimes.co.rw/section/article/2012-01-19/38726/> (accessed September 28, 2017).

<sup>204</sup> "Rwanda: RDF Gets New Army Chief of Staff," *News of Rwanda*, July 19, 2016, <http://www.newsforwanda.com/ibikorwa/11326/rwanda-rdf-army-chief-staff/> (accessed September 28, 2017).

<sup>205</sup> Rodrigue Rwirahira, "New changes in RDF leadership," *The New Times*, October 29, 2015, <http://www.newtimes.co.rw/section/article/2015-10-29/193931/> (accessed September 28, 2017).

<sup>206</sup> Edmund Kagire, "New security chiefs appointed," *The New Times*, July 14, 2011, <http://www.newtimes.co.rw/section/article/2011-07-14/33013/> (accessed September 28, 2017); "Itangazo Riturutse Muri Perezidansi Ya Repubulika," Rwandan presidency press release, March 22, 2016.

<sup>207</sup> Government of Rwanda, "Consideration of reports submitted by States parties under article 10 of the Convention, Second periodic reports of States parties due in 2016, Rwanda", CAT/C/RWA/2, September 5, 2016, [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FRWA%2F2&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FRWA%2F2&Lang=en) (accessed September 28, 2017), para. 89.

<sup>208</sup> National Commission for Human Rights, "Annual Activity Report July 2012 – June 2013," September 2013, [http://www.cndp.org.rw/fileadmin/user\\_upload/reports/Annual%20Report%202012-2013.pdf](http://www.cndp.org.rw/fileadmin/user_upload/reports/Annual%20Report%202012-2013.pdf) (accessed September 28, 2017), pp. 70-74; National Commission for Human Rights, Annual Activity Report July 2013 – June 2014, September 2014, [http://www.cndp.org.rw/fileadmin/user\\_upload/Annual\\_Report\\_2013-2014.pdf](http://www.cndp.org.rw/fileadmin/user_upload/Annual_Report_2013-2014.pdf) (accessed September 28, 2017), pp. 59-60; and Izuba Rirashye, "Ubushinjacyaha bukomeje gukurikirana Abapolisi bakekwaho gukora 'iyicarubozo,'" *Igihe*, April 23, 2015, <http://igihe.com/amakuru/u-rwanda/article/ubushinjacyaha-bukomeje> (accessed September 28, 2017).

to the NCHR to bring their cases to its attention. Furthermore, the NCHR has the power to visit detention sites and request relevant organs to bring to justice any person suspected of having committed human rights violations.<sup>209</sup>

The office of the Ombudsman also has the power to receive complaints and to investigate actions of government institutions “in which the population finds injustice,” to request disciplinary sanctions against government employees, to prosecute any offence in its mission and to request the Supreme Court to reconsider and review last instance judgments by ordinary and military courts “if there is any persistence of injustice.”<sup>210</sup> Human Rights Watch is not aware of any action by the office of the Ombudsman on cases of unlawful detention or torture in military custody.

Both chambers of parliament—the Chamber of Deputies and the Senate—have the responsibility to exercise oversight over government activities and have the power to ask written and oral questions, organize hearings, and set up commissions of inquiry.<sup>211</sup>

None of the detainees or former detainees interviewed by Human Rights Watch had filed a complaint against officials for illegal detention or torture, partly out of fear and partly out of a lack of faith in the independence of the justice system and in the possibility of obtaining redress. One former detainee had filed a complaint at a lower instance court after military and police beat him in August 2008, but an RDF major called the detainee’s lawyer to try to dissuade him from filing the complaint. He still filed the complaint but the court rejected it.<sup>212</sup>

## After Release

Several of those released from military detention continued to face difficulties with the authorities and with their community after their release, as they were perceived as collaborators of the FDLR or other opposition groups. Many found it hard to reintegrate into

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<sup>209</sup> Law determining missions, organization and functioning of the National Commission for Human Rights, no. 19/2013 of 25/03/2013, art. 7.

<sup>210</sup> Law determining the mission, powers, organization and functioning of the Office of the Ombudsman, No 76/2013 of 11/9/2013, arts. 4, 6, 10, 13, and 15.

<sup>211</sup> Constitution of the Republic of Rwanda of 2003, revised in 2015, arts. 128 and 131.

<sup>212</sup> Human Rights Watch interview with former detainee, Cibitoke, Burundi, July 1, 2012.

normal life because of this stigma, as well as the serious physical and psychological problems caused by torture and their experiences in detention.

A former detainee held in Mukamira and Kami, who was released in July 2015 after being acquitted, told Human Rights Watch:

People I know are scared of me. They don't talk to me. I try to find work, but I'm told I'm dirty. People call me an "infiltrator." My friends don't want to speak to me because they don't want to be associated with me. I had to move house.... Because of the torture I suffered, it is difficult for me to do manual labor. It is difficult to get medicine because I have no money.... I have a problem with my eyes. I was beaten in the head at Mukamira and Kami and now I'm seeing spots.<sup>213</sup>

Human Rights Watch documented several cases of people who were released from military detention and rearrested. A man who was detained in the "Gendarmerie" and Mukamira in 2011, and was later tried and acquitted, told Human Rights Watch that he was rearrested in March 2013 and taken to Kami, where he was interrogated again about his links with the FDLR.<sup>214</sup>

Another man, who was detained in the "Gendarmerie" in early 2014, told Human Rights Watch that when he arrived home after his release, he found that his house had been robbed. When he reported this to the local authorities, they called the military, who rearrested him, because he had mentioned his detention in the "Gendarmerie." He spent six days in a police cell and was then released.<sup>215</sup>

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<sup>213</sup> Human Rights Watch interview with former detainee, Musanze, October 12, 2016.

<sup>214</sup> Human Rights Watch interview with former detainee, Kampala, Uganda, June 30, 2013.

<sup>215</sup> Human Rights Watch interview with former detainee, Musanze, May 3, 2014.



## V. Government response

On December 14, 2016, Human Rights Watch sent a detailed letter to the Rwandan justice minister, its principal interlocutor within the Rwandan government, presenting the research findings described in this report and requesting a response to specific questions. Despite more than 10 reminders, Human Rights Watch received no reply. A senior Human Rights Watch staff went to Kigali in February 2017 to discuss these findings with the Rwandan government, but no Rwandan government official was willing to meet him. Human Rights Watch sent a second detailed letter to the justice minister on August 23, 2017 (see Appendix II), but did not receive a response.

The Rwandan government has stated on other occasions that, “There is no unofficial detention in Rwanda.”<sup>216</sup> In a submission for the United Nations Committee Against Torture (CAT), a body of independent experts that monitors the implementation of the Convention against Torture, the government said that “Kami is a military barracks in Kinyinya sector and not a place of detention. As such no individuals are held or interrogated there.”<sup>217</sup> Justice Minister Johnston Busingye previously voiced this position during a review before the Human Rights Committee (HRC), a body of independent experts that monitors implementation of the International Covenant on Civil and Political Rights by its state parties, in March 2016, where he stated that “no interrogation of suspects is carried out” in Kami, and “no people are imprisoned there.”<sup>218</sup>

During the HRC review, Busingye said that “by law and practice, the RDF does not detain individuals.”<sup>219</sup> In a meeting with Human Rights Watch in May 2014, he said, “You can be temporarily detained by the military, even a citizen can arrest you, but then you must be taken to a police station.”<sup>220</sup>

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<sup>216</sup> Government of Rwanda, “Consideration of reports submitted by States parties under article 19 of the Convention, Second periodic reports of States parties due in 2016, Rwanda,” CAT/C/RWA/2, September 5, 2016, [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FRWA%2F2&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FRWA%2F2&Lang=en) (accessed September 28, 2017), para. 101.

<sup>217</sup> Ibid., para. 104.

<sup>218</sup> Human Rights Watch observation of Human Rights Committee review of Rwanda, Geneva, March 18, 2016.

<sup>219</sup> Ibid.

<sup>220</sup> Human Rights Watch meeting with Justice Minister Johnston Busingye, Kigali, May 13, 2014.

In the same meeting Busingye said that arbitrary arrests are against the law, but can still happen for different reasons. He explained that Rwandan law allows victims or family members to take proactive steps to find their loved ones who may be arbitrarily detained, and that this can then result in an order from a judge to either release the individual or legalize the detention. If a judge finds that the detention was unlawful, Busingye said, a judge can decide to prosecute the person who is responsible, and can reduce the time in illegal detention when the victim is convicted.<sup>221</sup>

In its submission to the CAT, the government asserted that “appropriate measures and steps have been put in place to effectively protect all persons from enforced disappearance” and that “all cases of alleged disappearances reported to the police have been duly investigated.”<sup>222</sup>

During the HRC review, Minister Busingye said that there should be zero tolerance for torture.<sup>223</sup> He told Human Rights Watch in 2014 that if there is proof of torture, “there must be institutional measures taken to stop it” and that “the individual responsible must be brought to account.” He said: “Let us agree that if this happens, then it should stop. Torture is not needed to gather evidence and it is not needed to get a confession.” He added: “If there are scores of RDF doing these bad things, then we will address it.”<sup>224</sup>

In its presentation at the Universal Periodic Review (UPR) process, a periodic review of the human rights record of UN member states at the UN Human Rights Council, the Rwandan government delegation said, referencing the CAT and the International Covenant on Civil and Political Rights, to which Rwanda is party, that “all security forces, including the military and police, were required to uphold the tenets of those important international standards in the conduct of their work, and failing to do so would result in disciplinary as well as legal action.”<sup>225</sup> In reply to a recommendation to ensure conformity of military detention centers

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<sup>221</sup> Ibid.

<sup>222</sup> Government of Rwanda, “Consideration of reports submitted by States parties under article 19 of the Convention, Second periodic reports of States parties due in 2016, Rwanda,” para. 114.

<sup>223</sup> Human Rights Watch observation of Human Rights Committee review of Rwanda, Geneva, March 18, 2016.

<sup>224</sup> Human Rights Watch meeting with minister of justice Johnston Busingye, Kigali, May 13, 2014.

<sup>225</sup> Human Rights Council, “Report of the Working Group on the Universal Periodic Review, Rwanda,” A/HRC/31/8, December 18, 2015, <http://daccess-ods.un.org/access.nsf/Get?Open&DS=A/HRC/17/4&Lang=E> (accessed September 28, 2017), para. 16.

with Rwanda's laws and international standards, the delegation said that the "compliance of the conditions in military detention centres and prisons was taking place."<sup>226</sup>

In its UPR roadmap and National Human Rights Action plan for 2017-2020, the government committed to improve conditions in detention facilities to ensure that they meet international standards, including by capacity building of the Ministry of Defence.<sup>227</sup>

In the May 2014 meeting with Human Rights Watch, Busingye said he was told that lawyers are reluctant to raise torture during judicial proceedings, but that he did not know if this was correct. He said that "judges are due to make determinations on these things [torture allegations] when raised."<sup>228</sup>

In its submission for the upcoming review at the CAT, the government said that there had been a small number of torture cases prosecuted in Rwandan courts.<sup>229</sup>

On incommunicado detention, Busingye said in March 2016 that it is not acceptable and that victims should present such cases to court.<sup>230</sup>

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<sup>226</sup> "Human Rights Council adopts outcomes of Universal Periodic Review of Rwanda, Nepal, and Austria," Human Rights Council press release, March 16, 2016, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17241&LangID=E#sthash.K1oRlg7a.dpuf> (accessed September 28, 2017).

<sup>227</sup> Rwandan Government, "Roadmap for implementation of Rwanda's UPR Recommendations 2015," Recommendation No. 13; Ministry of Justice, "National Human Rights Action plan of Rwanda: 2017-2020," pp. 35-36.

<sup>228</sup> Human Rights Watch meeting with Justice Minister Johnston Busingye, Kigali, May 13, 2014.

<sup>229</sup> Government of Rwanda, "Consideration of reports submitted by States parties under article 19 of the Convention, Second periodic reports of States parties due in 2016, Rwanda," CAT/C/RWA/2, para. 89.

<sup>230</sup> "Human Rights Committee reviews the report of Rwanda," OHCHR press release, March 18, 2016, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=18473&LangID=E#sthash.nPbJ395E.dpuf> (accessed September 28, 2017).

## VI. National and International Legal Standards

The violations documented in this report are in clear violation of Rwandan and international law, which prohibit enforced disappearances, arbitrary and unlawful arrest and detention, and the use of torture and other ill-treatment. Rwandan and international law require detainees to be held in humane conditions and treated with dignity, and impose legal obligations regarding procedural safeguards for arrest, detention, and the treatment of detainees. Rwanda is a party to the International Covenant on Civil and Political Rights (ICCPR), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture) and the African Charter on Human and Peoples' Rights (African Charter), all of which prohibit violations of these fundamental norms.

### Torture and Forced Confessions

Rwanda's constitution states that "no one shall be subjected to torture or physical abuse, or cruel, inhuman or degrading treatment."<sup>231</sup> Torture is a crime under Rwanda's 2012 penal code, which uses a definition largely inspired by the wording of the Convention against Torture. Torture is punishable with up to two years in prison, increased to seven when there are permanent consequences, or life imprisonment when torture results in the death of a victim. Maximum sentences are applied when the offender is a security service officer or a civil servant.<sup>232</sup>

Under international law, states are obligated to ensure that any statement "made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made."<sup>233</sup> States must ensure that, even without an official complaint, allegations of torture are promptly, impartially, independently, and thoroughly investigated, that victims have access to an effective remedy and receive reparation, and that those responsible are brought to justice.<sup>234</sup>

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<sup>231</sup> Constitution of the Republic of Rwanda of 2003, revised in 2015, art. 14.

<sup>232</sup> Organic Law instituting the penal code, No. 01/2012/OL of 02/05/2012, arts. 176 and 177.

<sup>233</sup> Convention against Torture, art. 15.

<sup>234</sup> UN Human Rights Committee, General Comment No. 31, The Nature of the General Legal Obligation Imposed on States Parties to the Covenant, U.N. Doc. CCPR/C/21/Rev.1/Add. 13 (2004), paras. 15 and 16; UN Committee Against Torture, General Comment No. 3, Implementation of article 14 by States parties, U.N. Doc. CAT/C/GC/3 (2012), para. 27.

According to Rwandan law, a victim has the right to be interrogated in the presence of a trusted person, to remain silent, and to be protected if he or she expresses concern for his or her safety.<sup>235</sup> Rwandan law prohibits “torture or brain washing to extort an admission from the parties or the testimony of witnesses.”<sup>236</sup> Illegally obtained evidence is considered null and void before Rwandan courts.<sup>237</sup> However, Rwandan law relating to evidence and its production states that a person cannot retract a judicial admission unless it can be proved it was a result of physical torture. But the same law specifies that a judicial admission refers to “statements the accused or his or her representative makes before the court.”<sup>238</sup> Signed confessions submitted by prosecutors do not therefore supersede the defendant’s statement in court.

International law prohibits anyone from being compelled to testify against themselves or to confess guilt.<sup>239</sup>

During its latest review of Rwanda in March 2016, the UN Human Rights Committee (HRC) expressed its concern about “allegations that torture and ill treatment has been practiced in these places [unofficial detention centers] as a means to elicit confessions.” The CAT expressed similar concerns during its 2012 review of Rwanda, mentioning beatings and electric shocks in Kami. Both committees recommended prompt investigations into these violations and action to bring the perpetrators to justice.<sup>240</sup>

On June 30, 2015, Rwanda ratified the Optional Protocol to the Convention against Torture (OPCAT), thereby allowing visits to places of detention by the Subcommittee on Prevention

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<sup>235</sup> Law relating to the code of criminal procedure, No. 30/2013 of 2013, art. 53.

<sup>236</sup> Law relating to evidence and its production; International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, art. 14(g); and Convention against Torture, arts. 1 and 15.

<sup>237</sup> Government of Rwanda, “Consideration of reports submitted by States parties under article 19 of the Convention, Second periodic reports of States parties due in 2016, Rwanda,” CAT/C/RWA/2, September 5, 2016, [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FRWA%2F2&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FRWA%2F2&Lang=en) (accessed September 28, 2017), para. 92; Law relating to evidence and its production, arts. 6, 7, and 8.

<sup>238</sup> Law relating to evidence and its production, art. 110.

<sup>239</sup> ICCPR, art. 14(g); and Convention against Torture, arts. 1 and 15.

<sup>240</sup> Human Rights Committee, “Concluding observations on the fourth periodic report of Rwanda,” CCPR/C/RWA/CO/4, May 2, 2016, <http://daccess-ods.un.org/access.nsf/Get?Open&DS=CCPR/C/RWA/CO/4&Lang=E> (accessed September 28, 2017), paras. 19 and 20; Committee Against Torture, “Consideration of reports submitted by States parties under article 19 of the Convention, Concluding observations of the Committee Against Torture, Rwanda,” CAT/C/RWA/CO/1, June 26, 2011, [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CAT/C/RWA/CO/1&Lang=En](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT/C/RWA/CO/1&Lang=En) (accessed September 28, 2017), paras. 10 and 11.

of Torture (SPT), a UN body. The SPT has a state visit to Rwanda planned for mid-October 2017. The OPCAT requires ratifying states to set up a national preventive mechanism for the prevention of torture at the domestic level, at the latest one year after its entry into force, ratification or accession.<sup>241</sup> Rwanda has yet to create such a mechanism, despite accepting a recommendation during the Universal Periodic Review (UPR) to “swiftly” establish one.<sup>242</sup>

## Safeguards and Procedure for Arrests and Detention

Under Rwandan law, judicial police officers enjoy the power to arrest and detain suspects, subject to several conditions. Intelligence officers of the National Intelligence and Security Service (NISS) also have powers of judicial police.<sup>243</sup>

Under the 2008 counterterrorism law, other security agents or “any other authorized person” can arrest persons suspected of having or attempting to commit acts of terrorism, but must hand them over to the nearest police station within 48 hours.<sup>244</sup>

After a person is arrested, a judicial police officer must prepare a case-file or a statement, and submit it to a competent prosecutor. If the prosecutor decides that is appropriate to prosecute the accused, he/she shall petition the court to order provisional detention of the suspect. The court shall be required to try the case on merit within 15 days of receipt of the case file.<sup>245</sup>

A person held in custody must be informed about the charges against him or her and about his or her right to be assisted by a lawyer.<sup>246</sup>

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<sup>241</sup> Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), adopted December 18, 2002, G.A. res. A/RES/57/199, [reprinted in 42 I.L.M. 26 (2003)], entered into force June 22, 2006, arts. 3 and 17.

<sup>242</sup> Human Rights Council, “Report of the Working Group on the Universal Periodic Review, Rwanda,” A/HRC/31/8, December 18, 2015, <http://daccess-ods.un.org/access.nsf/Get?Open&DS=A/HRC/17/4&Lang=E> (accessed September 28, 2017); see also Human Rights Watch, “Submission to the Human Rights Committee in advance of the fourth periodic review of Rwanda,” February 12, 2016, <https://www.hrw.org/news/2016/02/12/submission-human-rights-committee-advance-fourth-periodic-review-rwanda>. The Universal Periodic Review is a mechanism of the United Nations Human Rights Council that periodically examines the human rights record of member states.

<sup>243</sup> Law determining the powers, mission, organisation and functioning of the national intelligence and security service, No. 73/2013, art. 9.

<sup>244</sup> Law on counter terrorism, No. 45/2008, arts 44 and 45.

<sup>245</sup> Law relating to the code of criminal procedure, arts. 34 and 37.

<sup>246</sup> Law relating to the code of criminal procedure, arts. 38 and 39.

Military police officers, responsible for enforcing law and order within the army, can detain “members of the military and their co-offenders and accomplices” in custody facilities at each Brigade Headquarters or “at any other appropriate facility as may be determined by the Defence Management Committee.”<sup>247</sup> If a suspect is arrested under the terrorism law, he or she could be held in “another place,” for a maximum of 48 hours. Under international law, detainees should only be held in “places officially recognized as places of detention.”<sup>248</sup>

Under international law, the grounds and procedure for any deprivation of liberty must be established by law, which should be precise, clear, and public. Persons who are deprived of their liberty must be informed at the time of arrest about the reason for the arrest and promptly of any charges against them. An arrested suspect has the right to defend him or herself through legal representation of his or her choosing at all stages of legal proceedings, including prior and during any questioning. Arrest and detention must be subject to prompt judicial review and the detained person is entitled to a trial in reasonable time.<sup>249</sup>

Detainees should be held only in facilities officially acknowledged as places of detention.<sup>250</sup> States are obliged to ensure that detainees have access to necessities and services that satisfy their basic needs, including appropriate provisions for living accommodation, personal hygiene, food, and medical service. Every detainee has the right to health, including healthcare and adequate conditions of detention.<sup>251</sup>

International human rights law and all the rights protected therein apply to all forms of arrest and detention including in the context of counterterrorism. The African Commission on Human and Peoples’ Rights has affirmed that, “African States should ensure that the measures taken to combat terrorism fully comply with their obligations under the African

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<sup>247</sup> Law relating to the code of criminal procedure, art. 40, Ministerial Order determining custody facilities for suspects being investigated by the military judicial police, No. 06/MINADEF/2014.

<sup>248</sup> UN Human Rights Committee, General Comment No. 20, “Prohibition of torture or other cruel, inhuman or degrading treatment or punishment (article 7),” A/44/40, March 10, 1992, para. 11.

<sup>249</sup> ICCPR, art. 9; ACHPR, art. 6; Human Rights Committee, General Comment No. 35, Article 9 (Liberty and security of person), UN Doc. CCPR/C/GC/35 (2014); African Commission on Human and Peoples’ Rights, Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa, 55th Ordinary Session (2014).

<sup>250</sup> Human Rights Committee, General Comment No. 35, paras. 58 and 20.

<sup>251</sup> International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted December 16, 1966, entered into force January 3, 1976, article 12; Standard Minimum Rules for the Treatment of Prisoners, rule 17.

Charter on Human and Peoples' Rights and other international human rights treaties, including the right to life, the prohibition of arbitrary arrests and detention, the right to a fair hearing, the prohibition of torture and other cruel, inhuman and degrading penalties and treatment.”<sup>252</sup>

All detainees are to be given all reasonable facilities to communicate with and receive visits from family and friends. The former UN Special Rapporteur on Torture has called for authorities to inform relatives of the arrest and place of detention within 18 hours.<sup>253</sup> The Principles on Fair Trial in Africa state that any confession or admission made during incommunicado detention should be considered as having been obtained by coercion, and therefore must be excluded from evidence.<sup>254</sup> The former UN Special Rapporteur on torture has also noted that “torture is most frequently practiced during incommunicado detention” and that “[i]ncommunicado detention should be made illegal.”<sup>255</sup>

## Arbitrary and Illegal Detention and Enforced Disappearances

According to Rwandan law, detention in violation of the provisions of the Code of Criminal Procedure is unlawful and punishable, including “detaining a person in a place other than a relevant custody facility.”<sup>256</sup> When a civil servant detains a person without order or judgment in conformity in the law, he or she is liable to a term of imprisonment equivalent to the term incurred by the illegally detained person.<sup>257</sup>

Several treaties to which Rwanda is a party prohibit arbitrary or unlawful detention.<sup>258</sup> Unlawful detention is defined as deprivation of liberty that is not imposed either on

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<sup>252</sup> African Commission on Human and Peoples' Rights, Resolution on the Protection of Human Rights and the Rule of Law in the Fight against Terrorism, No. 88 (2005); African Commission on Human and Peoples' Rights, Principles and Guidelines on Human and Peoples' Rights while Countering Terrorism in Africa (2015).

<sup>253</sup> Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Report to the 59th session of the UN Commission on Human Rights, E/CN.4/2003/68, para. 26(g).

<sup>254</sup> Human Rights Council, “Joint study on global practices in relation to secret detention in the context of countering terrorism,” A/HRC/13/42, February 19, 2010; African Commission on Human and Peoples' Rights, “Principles and guidelines on the right to a fair trial and legal assistance in Africa,” No. DOC/OS(XXX)247, para. N6(d)(i).

<sup>255</sup> Special Rapporteur of the Commission on Human Rights, Report of the Special Rapporteur on the question of torture and other cruel, inhuman or degrading treatment or punishment, Report to the UN General Assembly, A/56/156, para. 39 (f).

<sup>256</sup> Law relating to the code of criminal procedure, art. 90.

<sup>257</sup> Organic Law instituting the penal code, arts. 273 and 668.

<sup>258</sup> ICCPR, art. 9; ACHPR, art. 6.



grounds provided for in law or not in accordance with procedures as established by law.<sup>259</sup> The concept of “arbitrary” however is broader and includes “elements of inappropriateness, injustice, lack of predictability and due process of law, as well as elements of reasonableness, necessity and proportionality.”<sup>260</sup> Most detentions documented in this report can be categorized both as “arbitrary” and “unlawful.”

UN bodies have repeatedly condemned secret and incommunicado detention as a serious rights violation that should be proscribed by law.<sup>261</sup> Incommunicado detention is generally understood as a situation of detention in which an individual is denied access to family members, an attorney, or an independent physician.

In Rwandan and international law, a person deprived of liberty has the right to *habeas corpus*, meaning that they can request a court to order a review of the lawfulness of his detention and release, if the detention is not lawful.<sup>262</sup> Under Rwandan law, any action against unlawful detention can be instituted by the victim or “any other person with knowledge of such injustice.”<sup>263</sup> A Rwandan judge may order an official detaining an individual to appear personally with that individual and justify the reasons and circumstances of the detention. The judge can then order that person’s detention or release, and can immediately try the person holding the other in detention.<sup>264</sup> According to the Rwandan government, there have occasionally been *habeas corpus* cases in Rwanda,<sup>265</sup> but relatives of disappeared persons are often too afraid to take the cases to court or doubt the effectiveness of such legal proceedings.<sup>266</sup>

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<sup>259</sup> Human Rights Committee, General Comment No. 35, Article 9 (Liberty and security of person), para. 11.

<sup>260</sup> *Ibid.*, para. 12.

<sup>261</sup> Human Rights Council, “Joint study on global practices in relation to secret detention in the context of countering terrorism,” A/HRC/13/42, February 19, 2010; African Commission on Human and Peoples’ Rights, “Principles and guidelines on the right to a fair trial and legal assistance in Africa” No. DOC/OS(XXX)247, para. N6(d)(i).

<sup>262</sup> ICCPR, art 9(4) and Law N° 30/2013 of 24/5/2013 relating to the code of criminal procedure, art. 92.

<sup>263</sup> Law relating to the code of criminal procedure, art. 92.

<sup>264</sup> *Ibid.*, art. 91.

<sup>265</sup> Minister of Justice of Rwanda, “Response to Reference,” in *Plaxeda Rugumba vs. the Secretary General of the East African Community and The Attorney General of the Republic of Rwanda*, No. 8 of 2010, December 23, 2010, para. 4.i., Human Rights Watch interview with Minister of Justice Johnston Busingye, Kigali, May 13, 2014.

<sup>266</sup> Amnesty International, “Rwanda: Shrouded in Secrecy: Illegal detention and torture by military intelligence,” October 8, 2012, <https://www.amnesty.org/en/documents/AFR47/004/2012/en/> (accessed September 27, 2017), pp. 22-23.

### **Box 8 – Rugigana Ngabo: *Habeas Corpus* Case at the East African Court of Justice**

Kayumba Nyamwasa's brother, Lt.-Col. Rugigana Ngabo, a serving military officer in Rwanda, was arrested in August 2010 and held incommunicado in military custody for five months. Even though a Rwandan army spokesman said Ngabo was being held in Kanombe military prison,<sup>267</sup> family members were unable to locate him and were intimidated by intelligence officials.<sup>268</sup> A former detainee in Kami military camp told Human Rights Watch that he saw Ngabo while he was detained at Kami during that period.<sup>269</sup>

In November 2010, Ngabo's family filed a *habeas corpus* application at the East African Court of Justice (EACJ), the court of the East African Community established in Arusha, Tanzania.

In January 2011, the Military High Court in Kigali ruled that Ngabo's detention had been irregular and contrary to Rwandan law, but nevertheless ordered for him to remain in pre-trial detention due to the gravity of the charges of endangering state security.

The EACJ ruled in December 2011 that Ngabo's incommunicado detention without trial had been illegal.<sup>270</sup> The Rwandan government appealed this decision, but it was upheld by the EACJ's appellate division in June 2012.<sup>271</sup>

Despite the EACJ ruling, Ngabo's trial at Rwanda's Military High Court began in November 2011, behind closed doors.<sup>272</sup> According to an individual at the trial, Ngabo said in court that his trial was related to Nyamwasa's problems with the government and criticized the evidence used against him for lack of credibility.<sup>273</sup> In July 2012, the court sentenced him to nine years in prison for endangering state security and inciting violence.<sup>274</sup>

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<sup>267</sup> BBC, "Arrested brother of Rwanda ex-army chief 'alive'", August 23, 2010, <http://www.bbc.co.uk/news/world-africa-11064408> (accessed September 28, 2017).

<sup>268</sup> Amnesty International, "Rwanda: Shrouded in Secrecy," p. 23.

<sup>269</sup> Human Rights Watch interview with former detainee, Kigali, May 24, 2012.

<sup>270</sup> *Plaxeda Rugumba vs. The Secretary General of East African Community and The Attorney General of the Republic of Rwanda*, East African Court of Justice, December 1, 2011, Case No. 8 of 2010.

<sup>271</sup> *Plaxeda Rugumba vs. and The Attorney General of the Republic of Rwanda*, East African Court of Justice (Appellate Division), Case No. 1 of 2012, June 22, 2012.

<sup>272</sup> "Rugigana Ngabo trial opens in substance," Ministry of Defence new release, no date, [http://mod.gov.rw/news-detail/?tx\\_ttnews%5Btt\\_news%5D=742&cHash=3d1cce8e07a47620eff7548a853fa140](http://mod.gov.rw/news-detail/?tx_ttnews%5Btt_news%5D=742&cHash=3d1cce8e07a47620eff7548a853fa140) (accessed September 28, 2017).

<sup>273</sup> Human Rights Watch interview with individual present at trial of Rugigana Ngabo, Kigali, August 3, 2012.

<sup>274</sup> Bosco Asiimwe, "Military court hands nine years to Rugigana," *The New Times*, July 26, 2012, <http://www.newtimes.co.rw/section/article/2012-07-26/55495/> (accessed September 28, 2017).

The prohibition of enforced disappearances is codified in the International Convention for the Protection of All Persons from Enforced Disappearance and as a crime in the Statute of the International Criminal Court (ICC).<sup>275</sup> The convention describes an enforced disappearance as “the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.”<sup>276</sup>

Rwanda is not a party to either treaty and has not made enforced disappearance as a discrete violation a crime in national law. However, after its 2015 Universal Periodic Review (UPR), the Rwandan government described recommendations to ratify the Convention on Enforced Disappearances as “implemented or in the process of being implemented.”<sup>277</sup> The absolute prohibition of enforced disappearances is, however, part of customary international law.<sup>278</sup> It simultaneously violates multiple human rights, including the prohibition of torture and freedom from arbitrary arrest and detention, and has multiple victims, including family members of the disappeared.<sup>279</sup> An enforced disappearance is also a “continuing crime”: it continues to take place so long as the disappeared person remains missing, and information about his or her fate or whereabouts has not been provided.<sup>280</sup> Most arrests described in this report can be categorized as “enforced disappearances.” Individuals were deprived of their liberty by agents of the state and the authorities refused to acknowledge their detention or reveal their whereabouts.

During their last reviews of Rwanda, both the CAT (2012) and the HRC (2016) noted the Rwandan government’s denial of the existence of military detention centers, but expressed concern about continued unlawful detention in unofficial detention centers. The CAT mentioned 45 cases of unlawful detention in military camps between 2010 and 2011, with

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<sup>275</sup> United Nations Declaration on the Protection of All Persons from Enforced Disappearances, adopted December 18, 1992, G.A. res. 47/133, 47 U.N. GAOR Supp. (No. 49) at 207, U.N. Doc. A/47/49 (1992), Rome Statute of the International Criminal Court (Rome Statute), A/CONF.183/9, July 17, 1998, entered into force July 1, 2002, art. 7.

<sup>276</sup> *Ibid.*, art. 2.

<sup>277</sup> Human Rights Council, “Report of the Working Group on the Universal Periodic Review, Rwanda.”

<sup>278</sup> See International Committee of the Red Cross (ICRC), Henckaerts & Doswald-Beck, eds., *Customary International Humanitarian Law* (Cambridge: Cambridge Univ. Press 2005), rule 98.

<sup>279</sup> United Nations Declaration on the Protection of All Persons from Enforced Disappearances.

<sup>280</sup> Working Group on Enforced or Involuntary Disappearances, “General Comment on Enforced Disappearance as a Continuous Crime,” A/HRC/16/48 (2010).

detention lasting between ten days and two years. Both committees called for action to ensure that no one is detained in unofficial places of detention and that legal safeguards are provided. The CAT called on the government to close these military detention sites and establish and make public, in law, an official list of all places of detention.<sup>281</sup>

During its 2015 UPR, Rwanda accepted recommendations to “ensure due process and conduct effective and objective investigations regarding cases of alleged arbitrary arrest and detention, including those which may constitute enforced disappearance” and to “take all appropriate measures to ensure that all reported cases of enforced disappearance are thoroughly investigated.”<sup>282</sup>

To Human Rights Watch’s knowledge, the Rwandan government has not implemented these recommendations.

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<sup>281</sup> Human Rights Committee, “Concluding observations on the fourth periodic report of Rwanda,” paras. 19 and 20; Committee Against Torture, “Consideration of reports submitted by States parties under article 19 of the Convention, Concluding observations of the Committee Against Torture, Rwanda,” paras. 10 and 11.

<sup>282</sup> Human Rights Council, “Report of the Working Group on the Universal Periodic Review, Rwanda.”

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Human Rights Watch wishes to thank many former detainees and others who were willing to speak about their experiences, sometimes at great personal risk.

## Appendix I: Court Cases

This table contains information about allegations of torture and illegal detention in the trials observed by Human Rights Watch in Rwanda between 2011 and 2016.

This information is based on defendants' statements in court hearings observed by Human Rights Watch and on court judgments.

This table only contains the names of individuals who stated in court that they were tortured or illegally detained, in public trials observed by Human Rights Watch. Other defendants in these trials told Human Rights Watch confidentially that they were tortured or illegally detained, but did not reveal this information in court. Their names are not included in the below table.

	<b>Name of defendant</b>	<b>Trial</b>	<b>Sentence, Court of First Instance</b>	<b>Statements in Court</b>
1	Joel Mutabazi	Mutabazi and co-accused	Life imprisonment	Torture and forced confession Illegal detention in Kami
2	Innocent Kalisa	Mutabazi and co-accused	25 years	Torture
3	Jean-Marie Vianney Ngabonziza	Mutabazi and co-accused	15 years	Torture to force him to confess
4	Aminadab Ndayambaje	Mutabazi and co-accused	15 years	Torture and forced confession
5	Balthazar Imaniriho	Mutabazi and co-accused	10 years	Torture

6	Pélagie Nizeyimana (female)	Mutabazi and co-accused	10 years	Beatings during interrogations
7	Simon Pierre Mahirwe	Mutabazi and co-accused	5 years	Torture to force him to confess
8	Jackson Karemera	Mutabazi and co-accused	4 months	Beatings and forced confession
9	Frodouard Rwandanga	Mukeshimana and co-accused	Life imprisonment	Illegal detention Torture and forced confession
10	Théophile Munyaneza	Mukeshimana and co-accused	Life imprisonment	Forced confession in Kami
11	Cléophas Harerimana	Mukeshimana and co-accused	Life imprisonment	Illegal detention
12	Anatole Kayisire	Mukeshimana and co-accused	Life imprisonment	Beatings, forced confession and illegal detention in Kami
13	Alexandre Havugimana	Mukeshimana and co-accused	Life imprisonment	Forced confession Illegal Detention in MINADEF
14	Jonas Ndahimana	Mukeshimana and co-accused	Life imprisonment	Illegal detention
15	Innocent Karuta	Mukeshimana and co-accused	Life imprisonment	Illegal Detention in MINADEF
16	Philippe Niyitegeka	Mukeshimana and co-accused	Life imprisonment	Confession after threats and torture in Kami

17	Alexis Ruzabavaho	Mukeshimana and co-accused	Life imprisonment	Illegal detention in a military camp
18	David Nshimiyimana Mpakaniye	Mukeshimana and co-accused	Life imprisonment	Illegal detention for 8 months
19	Elias Matakamba	Mukeshimana and co-accused	20 years	Illegal detention
20	Donat Munezero	Mukeshimana and co-accused	20 years	Tortured to confess Illegal detention for 9 months
21	Jonathan Habimana	Mukeshimana and co-accused	20 years	Illegal detention
22	Gaëtan Musafiri	Mukeshimana and co-accused	20 years	Illegal detention for 9 months
23	Jean Damascène Nsengumuremyi	Mukeshimana and co-accused	20 years	Torture and illegal detention
24	Naftal Nsengimana	Mukeshimana and co-accused	15 years	Illegal detention for 6 months in military camp
25	Charles Ririmunda	Mukeshimana and co-accused	10 years	Illegal detention for 7 months in Kami
26	Jean Baptiste Nsengiyumva	Mukeshimana and co-accused	10 years	Illegal detention
27	Jean Damascène Basabose	Mukeshimana and co-accused	5 years	Illegal detention by Rwandan intelligence services in Kigali



28	Jean Damascène Ngarambe	Mukeshimana and co-accused	5 years	Torture and forced confession Illegal detention for 9 months Lawyer and prosecution say he was in Kami
29	Jean Marie Vianney Byiringiro	Mukeshimana and co-accused	Acquitted	Illegally detention for 8 months
30	Matabara Déo	Mukeshimana and co-accused	Acquitted	Illegal detention
31	Jean de Dieu Nsengamungu	Mukeshimana and co-accused	Acquitted	Illegal detention in Kami
32	Jean Bosco Ngarama	Mukeshimana and co-accused	Acquitted	Illegal detention in Kami
33	Athanase Sebanani	Mukeshimana and co-accused	Acquitted	Illegal detention
34	Enos Habineza	Nsanzimana and co-accused	8 years	Illegal detention in Mukamira
35	Isaie Bazirufite	Nsanzimana and co-accused	7 years	Torture and illegal detention in Mukamira
36	Paulin Mukenga	Nsanzimana and co-accused	7 years	Illegal detention in Mukamira
37	Phocas Habiyaambere	Nsanzimana and co-accused	7 years	Illegal detention in Mukamira
38	Jérôme Nsanzimana	Nsanzimana and co-accused	5 years	Illegal detention in Rwandan military camp

39	Jean Damascène Nsengiyumva	Nsanzimana and co-accused	Acquitted	Illegal detention in the “Gendarmerie” and Mukamira
40	Patrick Hakizimana	Nsanzimana and co-accused	Acquitted	Illegal detention in the “Gendarmerie” and Mukamira Tortured in Mukamira to force him to confess
41	Rafiki Mutabaruka	Nsanzimana and co-accused	Acquitted	Confessed because of beatings
42	Emmanuel Bucyekabiri	Nsanzimana and co-accused	Acquitted	Illegal detention in Mukamira for 3 months
43	Jean Pierre Bikorimana	Nsanzimana and co-accused	Acquitted	Illegal detention in the “Gendarmerie” and Mukamira Beaten and forced to confess
44	Heshima Gasore	Nsanzimana and co-accused	Acquitted	Illegal detention in Mukamira
45	Cyiza Gatashya	Nsanzimana and co-accused	Acquitted	Illegal detention in Mukamira
46	Xaverina Mukashyaka (female)	Xaverina and co-accused	20 years	Torture and forced confession Illegal detention in Kami
47	Norbert Manirafasha	Xaverina and co-accused	20 years	Torture and forced confession
48	Gilbert Rwego Maniraguha	Xaverina and co-accused	20 years	Torture and forced confession
49	Alphonse Ndarusanuye	Xaverina and co-accused	20 years	Torture in Kami and forced confession

50	Jean Damascène Ntabwoba	Xaverina and co-accused	20 years	Illegal detention in Kami
51	Elie Semajeri	Xaverina and co-accused	Acquitted	Illegal detention in Kami for 1 month Forced confession
52	Jean Bosco Bizimungu	Xaverina and co-accused	Acquitted	Torture and forced confession in Kami
53	Jean Baptiste Kanyamuhanda	Kanyamuhanda and co-accused	Life imprisonment	Torture and forced confession in Mukamira
54	Ismaël Bihoyiki	Kanyamuhanda and co-accused	Life imprisonment	Torture and forced confession in Mukamira
55	Félicien Irankunda	Kanyamuhanda and co-accused	Life imprisonment	Illegal detention in Mukamira
56	Florence Akimanizanye (female)	Kanyamuhanda and co-accused	Life imprisonment	Illegal detention in Mukamira
57	Amani Ngarambe	Kanyamuhanda and co-accused	Life imprisonment	Forced to sign statement he was not allowed to read
58	Vianney Dusabimana	Kanyamuhanda and co-accused	Life imprisonment	Forced confession in Mukamira
59	Cyiza Evariste Ngendahimana	Kanyamuhanda and co-accused	Life imprisonment	Torture and forced confession in Mukamira
60	Marcel Habinshuti	Kanyamuhanda and co-accused	Life imprisonment	Forced confession in Mukamira

61	Papias Nzayisenga	Kanyamuhanda and co-accused	10 years	Torture and forced confession Illegal detention in the “Gendarmerie” and Mukamira
62	Ndagijimana Banyangandora	Kanyamuhanda and co-accused	Acquitted	Forced confession
63	Jean Baptiste Yandagiye	Ndayambaje and co-accused	20 years	Beatings
64	Ephrem Hitiyaremye	Ndayambaje and co-accused	3 years	Illegal detention in Mukamira
65	Innocent Uwuzuyishema	Ndayambaje and co-accused	Acquitted	Torture

For more information and references to some of the trials, see Section IV.

## Appendix II: Letter to Minister of Justice

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August 23, 2017

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



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### Re: Findings on Illegal Detention and Torture in Military Custody, and Memorandum of Understanding

Dear Minister Busingye,

I am writing to follow-up on a letter my colleague sent to you on December 14, 2016, with an overview of Human Rights Watch's findings on patterns of illegal and arbitrary detention, enforced disappearances, torture and ill-treatment in military detention centers in Rwanda between 2010 and 2016. I would like to re-iterate our request for the Rwandan government's response to our findings and several specific questions, and to request a meeting to discuss our research findings as well as the renewal of our Memorandum of Understanding (MoU). We will be publishing a detailed report on these findings in 2017, and we believe it is important, in the spirit of our previous MoU, that the Rwandan government's response is adequately reflected.

Since the Ministry of Justice is our principal interlocutor in the Rwandan government, I would be grateful if you could share a copy of this letter with other relevant government departments, including the Ministry of Defence, the National Public Prosecuting Authority, the Military Prosecution Department, the Rwanda Demobilization and Reintegration Commission (RDRC), and the National Intelligence and Security Service (NISS), and request their responses to our questions.

Please find below a summary of our findings followed by a detailed list of questions for Rwandan government officials. In order to incorporate the Rwandan government's perspective in our report, we would appreciate if you could send us responses to the questions below and any additional information by September 5, 2017.

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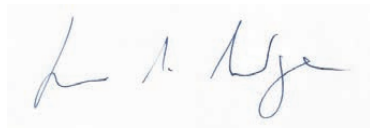
I also would like to request a meeting with you on September 6, 7, or 8 at a time of your convenience to discuss both our research findings and renewing our MoU. I can be reached on + [REDACTED] or at [REDACTED]@hrw.org.

We have not received any answer to our numerous earlier requests for information and meetings, despite the commitment undertaken by the Rwandan government in our previous MoU to facilitate such requests.

Finally, Human Rights Watch would like to request authorization to visit the detention centers mentioned below, including Kami, Mukamira, and the “gendarmerie.” We would be grateful if you could facilitate this.

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

Yours sincerely,

A handwritten signature in blue ink, appearing to read "L. Mudge".

Lewis Mudge  
Senior Researcher  
Human Rights Watch

Annexes:

- Annex 1: Summary of Human Rights Watch's Findings
- Annex 2: Request for Information

## **Annex 1: Summary of Human Rights Watch's Findings**

Based on interviews with over 150 people, including 61 former detainees, and observation of at least seven trials in Rwanda, Human Rights Watch has documented dozens of cases of people who were detained unlawfully and arbitrarily and, in many cases, tortured, in military custody, between 2010 and 2016. The detainees included people accused of involvement in grenade attacks, real or suspected members or collaborators of the Democratic Forces for the Liberation of Rwanda (FDLR) and suspected members or collaborators of the Rwanda National Congress (RNC) or opposition parties.

Many of these detainees were held incommunicado in military detention centers in harsh conditions, often for several months. In many cases, the torture appeared designed to extract confessions or other information from suspects.

Military officials, sometimes assisted by police, intelligence or local government officials, arrested most of these former detainees in Rwanda. Several others were arrested in Burundi or the Democratic Republic of Congo and transferred to Rwanda. Rwandan officials were sometimes involved in arrests in Burundi and Congo. Some of those arrested were former FDLR combatants but most were civilians. Several individuals were arrested while they were undergoing the Disarmament, Demobilization, Repatriation, Reintegration and Resettlement (DDRRR) process.

In some cases, family members or friends witnessed the person being taken away by state agents. They inquired about their whereabouts with local government or security officials, but authorities rarely revealed any information and usually did not acknowledge the detention. Families therefore remained without news of their loved ones for several weeks or months. Some of these cases can therefore be qualified as enforced disappearances and incommunicado detention.

### **Unlawful Detention and Torture in Military Centers**

Human Rights Watch interviewed 39 former detainees who said they were detained in Kami military camp between 2010 and 2016, in some cases for up to nine months, and received information about multiple other cases. At least 13 defendants stated in trials observed by

Human Rights Watch that they had been detained in Kami and some said in court that they were tortured there.

Many former detainees interviewed by Human Rights Watch described beatings, electrocution, asphyxiation, the use of acid and mock executions in Kami, in an apparent attempt to extract confessions about their alleged links with the FDLR or the RNC or to force them to accuse others, including political opposition members.

Most detainees transited through other centers before being sent to Kami. In 2010, military officials first interrogated and tortured several detainees at the Ministry of Defence (MINADEF) premises, before sending them to Kami. Human Rights Watch spoke to 11 former detainees who said that they had transited through MINADEF. Ten described being beaten during their interrogation. Two defendants also mentioned in court, in front of a judge, that they had been detained in MINADEF.

Others were detained in the military camp of Mukamira. Human Rights Watch interviewed 25 former detainees who were held there, some as recently as May 2016, in some cases for up to three months. From Mukamira, some were then transferred to Kami or other detention facilities. In trials observed by Human Rights Watch, at least 19 defendants stated in court that they had been illegally detained in Mukamira and some told the judges that they had been tortured there.

Former detainees told Human Rights Watch how military or intelligence officials tortured them in Mukamira, subjected them to electric shocks, beat them or threatened to kill them if they would not confess.

Some detainees who were arrested in Congo or near the Congolese border were first held in a military base known as the “gendarmerie.” Human Rights Watch interviewed 17 former detainees who were held there, some for two months. At least four defendants mentioned their detention in the “gendarmerie” in one of the trials observed by Human Rights Watch. In the “gendarmerie,” military officers beat detainees and held them in holes in the ground.



Other detainees told Human Rights Watch they were held in the military camps of Bigogwe, Mudende and Tumba, or in private houses in Kigali or Rubavu. Most said officials in those locations also ill-treated them.

### **Conditions of Detention**

Former detainees described the inhuman conditions in which they were held in military detention facilities. Some were held in isolation, sometimes in a constantly dark or lit cell, others in holes in the ground. Most had very limited access to food, water, hygiene or visits. None of those we spoke to had access to medical care or were able to seek a judicial review of their detention.

### **Releases and Transfers**

Some detainees were eventually released, while others were transferred to official prisons or police stations and sent to trial. Before their transfer, military, police or judicial officials often told them not to reveal anything about their detention in military custody and their treatment there. Police statements claimed they were arrested just before their transfer to the regular justice system, thereby concealing the period of their military detention from the official record.

### **Statements during Trials**

For reasons of confidentiality and security, we cannot provide you with the identity of the former detainees we interviewed as part of our research. However, several defendants made similar allegations of unlawful military detention and torture during their trials, and these statements are on the public record. Human Rights Watch observed some or all of the hearings in the following trials, among others:

- Prosecutor v. Jean Berchimans Mukeshimana et al., Kigali High Court, Case No. RP0027/11/HC/KIG-RP 0036/11/HC/KIG, first instance judgement on January 13, 2012 & Supreme Court, Case No. RPA 0090/12/CS, appeal judgement on March 4, 2016. 25 defendants made statements in court about their illegal detention, out of whom six said they had been detained in Kami and two in MINADEF. Six said they had been tortured with a view to extracting confessions.

- Prosecutor v. Jean Kanyamuhanda et al., Musanze High Court, Case No. RP 0054/HC/MUS, first instance judgment on December 6, 2012. Eight defendants said they had been detained in Mukamira, one after transiting through the “gendarmerie”. Four said they had been tortured.
- Prosecutor v. Janvier Ndayambaje et al., Musanze High Court, Specialized Chamber, Case No. RP 0108/11/HC/MUS, first instance judgment on January 8, 2013. One defendant said that he had been detained in Mukamira, two that they had been tortured.
- Prosecutor v. Jérôme Nsanzimana et al., Musanze High Court, Case No. RP 004611/HC/MUS, first instance judgment on March 21, 2013. Eleven defendants said they had been illegally detained, ten of them in Mukamira and three in the “gendarmerie”. Four said they had been tortured.
- Prosecutor v. Aboubacar Nsabiyeze et al., Musanze High Court, Case No. RP0052/13/HC/MUS, first instance judgment on May 22, 2014.
- Prosecutor v. Xaverina Mukashyaka et al., Musanze High Court, Case No. RP 0021/14/HC/MUS, first instance judgment on July 29, 2015. Five defendants said they had been detained in Kami. Five told the judges they had been tortured in detention.
- Military Prosecutor vs. Joel Mutabazi et al., Military High Court, Case No. RP 0003/013/MHC, first instance judgment on October 3, 2015. Eight defendants stated in court that they had been tortured. One said he had been detained in Kami.

In these trials, at least 51 defendants told the judges that they had been illegally detained, and at least 29 that they had been tortured. To our knowledge, those judges never ordered an in-depth investigation into these allegations and did not dismiss evidence obtained under torture. In several trials, judges dismissed defendants’ allegations that they had been tortured, claiming they had no proof, even when defendants offered to show their injuries or relevant documentation. Some of the accused were sentenced to long prison terms, based in part on forced confessions or witness testimony obtained under torture. We are deeply concerned that these people did not receive a fair trial.

### **Alleged Perpetrators**

According to detainees, most of these abuses were carried out by military officials, many of whom detainees believed to be working for the military intelligence agency. In some cases, members of the police or the National Intelligence and Security Service (NISS) were also

involved. Human Rights Watch received information about dozens of officials allegedly involved in such practices. These include the following officials, who were cited in each case by at least six different sources that we interviewed independently:

- Lieutenant Emmanuel Karemera: Nine former detainees mentioned his presence in Kami in 2010. Several described him as a commanding officer who oversaw detention and said he was involved in threatening and torturing detainees. At least two defendants mentioned his involvement in abuses during their trial.
- Lieutenant-Colonel Faustin Tinka: Seven former detainees mentioned his involvement in interrogations at MINADEF and Kami in 2010. Several told Human Rights Watch that Tinka worked for the military intelligence agency. At least one defendant mentioned his involvement in abuses during his trial.
- Captain Murenzi: Eight former detainees told Human Rights Watch that an official known as Captain Murenzi oversaw interrogations, forced confessions and torture in Kami and MINADEF in 2010. Human Rights Watch was unable to confirm his first name. One detainee was able to read his name on his military uniform. Another mentioned his involvement in arrests in 2014. At least two defendants mentioned his involvement in abuses during their trial.
- Major Prosper alias Kaceri: Six former detainees mentioned to Human Rights Watch his involvement in interrogations and threats against detainees in MINADEF and Kami in 2010. One said that in 2010, he worked at the military intelligence department. He showed his ID card to one detainee and told another his name. At least two defendants mentioned his involvement in abuses during their trial. Human Rights Watch was unable to verify his full name.
- Captain Richard Ndakaza: Six former detainees told Human Rights Watch that he oversaw interrogations, forced confessions and torture at Kami in 2014.

## **Annex 2: Request for Information**

We would be grateful if you could provide us with responses to the questions below. If some of this information is not immediately available to the Ministry of Justice, we hope that you can request clarification from the relevant authorities.

1. Have there been any investigations into unlawful detention and torture in military detention between 2010 and 2016? If so, could you provide us with detailed information about such investigations?
2. Have there been any prosecutions, convictions or disciplinary actions against officials involved in the human rights abuses described above? If so, could you provide us with detailed information about the number of cases, the nature of the abuses, and the actions taken?
3. Have any judges ordered an in-depth investigation into defendants' allegations in court that they were unlawfully detained, tortured or ill-treated in military custody? Have any judges refused to consider evidence allegedly obtained under torture or during illegal detention? If so, could you give us details of these cases?
4. What is the legal framework governing the arrest, detention and interrogation of suspects by the military *other than* the detention of persons at official military prisons such as Mulindi or Kanombe? To confirm our concerns here relate to processes of detention in locations that are not official military detention facilities.
5. What are the official functions and uses of the military camps of Kami, Bigogwe, Mukamira, Tumba and Mudende, and the military barracks at the "gendarmerie"? Are they used at least in part as detention centers and, if so, on what legal basis?
6. Are private houses ever used to detain people suspected of security-related offences? If so, under what legal framework?

7. Which officials are or were responsible for overseeing the military camps of Kami, Mukamira, Bigogwe, Tumba and Mudende between 2010 and 2016? Which officials were in charge of the “gendarmerie” and of interrogations in MINADEF? Could you provide us with their names, military ranks and positions between 2010 and 2016?
8. Could you provide us with the positions held between 2010 and 2016 and the contact details of the five military officers named above, so that we can contact them prior to publishing our findings and give them the opportunity to respond?
9. Which internal mechanisms are in place in the military and intelligence services to report and investigate abuses, and, where appropriate, refer cases to the Rwandan judiciary?
10. How many former FDLR members have been arrested during their demobilization process since 2010? What were the reasons for their arrest and who carried out the arrests? What happened to those arrested?
11. Could you provide us with up-to-date information on grenade attacks in Rwanda since 2008, including the number, date and location of the attacks, the number of people killed or injured, and the number and identity of those arrested in connection with these attacks?
12. Which governmental and national or international non-governmental organizations have been able to visit the detention centers mentioned above between 2010 and 2016? Have they been able to visit and speak to detainees there without restriction?
13. In 2012, the UN Committee Against Torture recommended that the Rwandan government establish and make public an official list of all places of detention. Has the government established and published such a list? If so, could you share it with us?

14. In June 2015 Rwanda ratified the Optional Protocol to the Convention against Torture (OPCAT). Can you provide us with more information about the creation of a national preventive mechanism, as required by the OPCAT?
15. During the Universal Periodic Review (UPR) process, the Rwandan government considered recommendations to ratify the International Convention for the Protection of All Persons from Enforced Disappearance as “implemented or in the process of being implemented”. Could you provide us with more information about the process of ratification of this convention?
16. Could you provide us with information about the number of *habeas corpus* cases handled by Rwandan courts since 2010, and information about each case?

## Appendix III: Letter to the National Commission for Human Rights

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Savannah Trym-Fernandes, Associate  
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Chairperson  
National Commission for Human Rights  
Kigali  
Rwanda

August 22, 2017

Dear Ms. Nirere,

I am writing to follow up on the letter sent to you by my colleague on January 30, 2017 and to request a meeting.

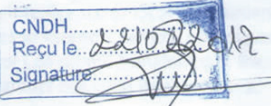
In explained in our letter of January 30, we wish to share with you a summary of Human Rights Watch's research on patterns of illegal and arbitrary detention, enforced disappearances, torture and ill-treatment in military detention centers in Rwanda between 2010 and 2016, and to request information from the National Commission for Human Rights regarding our findings. We will soon publish a report on our findings.

Based on interviews with more than 150 people, including 61 former detainees, and observation of at least seven trials in Rwanda, Human Rights Watch has documented dozens of cases of people who were detained unlawfully and arbitrarily – and in many cases, tortured – in military custody between 2010 and 2016. The detainees included people accused of involvement in grenade attacks, real or suspected collaborators of the Democratic Forces for the Liberation of Rwanda (FDLR) and, to a lesser extent, suspected members or collaborators of the Rwanda National Congress (RNC) or opposition parties. They were held in military detention centers in Kami, Mukamira, Bigogwe, Mudende and Tumba military camps, in the premises of the ministry of defense, in the military barracks referred to as the “gendarmérie” (in Rubavu), and in private houses in Kigali or Rubavu.

Most of these detainees were held incommunicado in harsh conditions, sometimes for several months. Many of the detainees were tortured as security force officers attempted to extract confessions or other information from suspects. Former detainees spoke of beatings, mock executions, asphyxiations, the use of acid to cause burns on their skin, death threats, electrocution and other torture methods.

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Former detainees described the inhuman conditions in which they were held in military detention facilities. Some were held in isolation, sometimes in a constantly dark or lit cell, others in holes in the ground. Most had very limited access to food, water, hygiene or visits. None of those we spoke to had access to medical care or were able to seek a judicial review of their detention.

Military officials, sometimes assisted by police, intelligence or local government officials, arrested most of these former detainees in Rwanda. Several others were arrested in Burundi or the Democratic Republic of Congo and transferred to Rwanda. Some of those arrested were former FDLR combatants but most were civilians.

In some cases, family members or friends witnessed those people being taken away by state agents. They inquired about their whereabouts with local government or security officials, but authorities rarely revealed any information and usually did not acknowledge the detention. Families therefore remained without news for several weeks or months. Some of these cases can therefore be qualified as enforced disappearances.

Some detainees were eventually released, while others were transferred to official prisons or police stations and sent to trial. Human Rights Watch observed at least seven trials, in which many defendants made allegations of unlawful detention and torture. Some of the accused were sentenced to long prison terms, based in part on confessions or witness testimony obtained under torture.

#### Role of the National Commission for Human Rights

Several former detainees in military custody told Human Rights Watch that men who said they were from the National Commission for Human Rights (NCHR) came to visit them in 2014 after they had been transferred to a regular detention center, and asked them questions about their detention. These men were accompanied by a prosecutor, who told the detainees not to reveal anything about their illegal detention. Another former detainee said that in 2016, he had been interrogated by someone working for “human rights” in Mukamira military camp.

Human Rights Watch saw six letters written to the NCHR by people close to individuals who disappeared in 2014, alerting the NCHR about the disappearances and providing



additional information. Human Rights Watch documented the illegal detention in Kami military camp of three of the cases described in these letters. Two of them were detained in Mukamira military camp before their transfer to Kami, and two were seriously beaten in illegal detention, in an apparent attempt to extract confessions.

All three were later sent to trial. One of them said in front of the judges that he had been detained in Kami and was forced to confess; another said he was tortured and forced to confess.

In the NCHR's annual reports from 2010 to 2016, there is no mention of illegal detention in military facilities, or such abuses by members of the military as described in this letter. In the 2003 annual report, however, the NCHR reported on illegal detention in the Kami and Mukamira military camps and reportedly discussed these issues with military authorities.

### Questions

Following are specific questions that we hope you can address to help us ensure that the NCHR's perspective is incorporated in our upcoming report:

1. Between 2010 and 2016, did the NCHR visit any of the detention sites at military camps in Kami, Mukamira, Bigogwe, Mudende or Tumba, any places of detention within the premises of the ministry of defense, or the detention site referred to as the "gendarmerie" in the military barracks in Rubavu? If so, which detention sites, and when? Would you please share with us any information about those visits?
2. Did the NCHR visit any other detention sites under military control and if so when? Would you please share with us any information about those visits?
3. Has the NCHR spoken to any individuals who have ever been held in illegal military detention either during their time in military custody, after their transfer to regular detention facilities, or after their release? If so, would you please share with us any information about this?
4. Has the NCHR ever raised any allegations or concerns about illegal detention or torture in military custody with any relevant government departments? If so what were the details of those concerns and what was the response from the government department, if any?

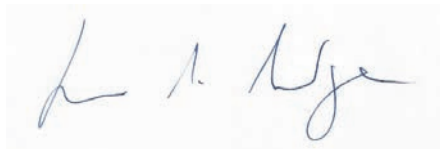
5. Has the NCHR received any complaints by former detainees who had been held in illegal military detention? Would you please share with us the number of complaints, and any detailed information about individual complaints? What actions were taken after such complaints were received, and what were the results of such actions?
6. Has the NCHR ever recommended that action be taken against any individuals suspected of having committed human rights violations connected to illegal or arbitrary detention in military custody or for ill treatment of detainees?
7. What is the standard procedure when the NCHR receives a letter from a family member alleging that someone has been forcibly disappeared? Could you please share with us information about the number of such letters received by the NCHR, the nature of the abuses alleged by family members, and the follow-up actions that were taken?

I would be grateful if you could reply to this letter before September 5, 2017.

I also request a meeting with the NCHR on September 6, 7, or 8 at a time of your convenience. I can be reached on + [REDACTED] or at [REDACTED]@hrw.org.

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

Best regards,

A handwritten signature in blue ink, appearing to read "L. Mudge".

Lewis Mudge  
Senior Researcher



Between 2010 and 2016, the Rwandan army and intelligence services unlawfully detained and tortured scores of people suspected of collaborating with “enemies” of the Rwandan government in military detention centers. Some of these people were held incommunicado for prolonged periods, often several months, in inhuman conditions. Soldiers and intelligence officials used techniques including beatings, asphyxiations, mock executions, and electric shocks to torture the detainees. A key purpose of the abuses was to extract information from suspected members or sympathizers of the Democratic Forces for the Liberation of Rwanda (FDLR), a largely Rwandan armed group based in neighboring Democratic Republic of Congo, and the Rwanda National Congress (RNC), an opposition group in exile.

Based on interviews with over 220 people, including 61 former detainees, in Rwanda and neighboring countries as well as observations of court trials, and reviews of court records, “We Will Force You to Confess” documents how Rwanda’s military arbitrarily arrested suspects, held them in military camps, and tortured them. These abuses constitute serious crimes in clear violation of Rwandan and international law.

Human Rights Watch is not aware of any efforts by Rwandan authorities to investigate these crimes or to hold perpetrators accountable, and the authorities failed to provide any response to the allegations and evidence Human Rights Watch shared with them.

Human Rights Watch calls on the Rwandan government to end enforced disappearances, arbitrary and unlawful arrest and detention, and torture and other ill-treatment. The government should hold those responsible for these crimes to account. Military commanders implicated in the abuses should be suspended immediately pending a judicial investigation.

(above)

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(front cover) A detainee described being forced to lie on the ground with his hands handcuffed behind back as soldiers beat him on his feet and his head.

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