



## **Submission to the**

### **UN Working Group on Enforced or Involuntary Disappearances (UN-WGEID).**

#### **Responses to the UN-WGEID's call for input concerning calls for a thematic study by the Working Group on Enforced or Involuntary Disappearances on "Election and Enforced Disappearances".**

### **Introduction**

Rwanda Accountability Initiative (RAI) was established in response to on-going human rights violations in Rwanda and seeks to remedy this through a victim orientated approach by advocating for justice for victims and accountability for the perpetrators of human rights violations.

RAI is pleased to contribute to the Working Group on Enforced or Involuntary Disappearances' thematic study focusing on the disturbing history of enforced and involuntary disappearances in Rwanda, particularly within the context of presidential elections. Our contribution addresses the specified objectives of this study and provides an in-depth exploration of the intricacies surrounding enforced disappearances during electoral processes in Rwanda.

### **Elections and Enforced Disappearances in Rwanda**

In the context of elections in Rwanda, victims of enforced disappearances are often individuals perceived as political dissidents, opposition figures, human rights activities or critics of the ruling regime and the relatives of those cited above. These disappearances are characterised by a lack of transparency and accountability, making it difficult to ascertain the exact number and identities of victims. The government's crackdown on perceived dissenters has led to a climate of fear, suppressing opposition and activists' voices.

Examples of victims include political activists, journalists, and opposition leaders and their relatives who have mysteriously vanish without a trace. These disappearances are often accompanied by allegations of state-sponsored involvement, but concrete evidence is challenging to obtain due to the secretive nature of these acts.

RAI confirms that enforced disappearances in Rwanda are more likely to occur during the pre-electoral and electoral phases of the electoral cycle. Prior to elections, the government target opposition figures, journalists and activists to eliminate potential challenges to its authority. During elections, disappearances are used to instil fear and discourage opposition

participation. The heightened political tensions and increased surveillance during these periods provide an environment conducive to such acts.

### **Enforced disappearances committed at different phases of the electoral cycle serve distinct purposes.**

**Pre-electoral** disappearances are often strategic, aiming to weaken the opposition and eliminate perceived threats to the ruling party's dominance.

**During elections**, disappearances are employed to create an atmosphere of intimidation and hinder the opposition's ability to mobilise support.

**Post-electoral disappearances** could be a means of eliminating dissent and consolidating power in the aftermath of contested elections.

### **Scope, Nature, and Specificities of Enforced Disappearances in Rwanda**

The history of enforced disappearances in Rwanda, spanning periods before, during, and after presidential elections, unveils a disconcerting pattern of systemic suppression of genuine political opposition and dissent. These disappearances extend beyond isolated incidents, representing a deeply ingrained practice intricately woven into the political landscape. The targeting of opposition figures, activists, and journalists both inside and outside intensifies during electoral cycles, fostering an atmosphere of fear and intimidation. Prior and post-election periods witness a continuation of enforced disappearances, reflecting a comprehensive strategy to eliminate dissent and consolidate power.

### **Examples**

Following Rwanda's presidential elections in August 2017, enforced disappearances have become a pervasive political tool systematically employed against political opponents and dissenting voices. The Human Rights Watch (HRW) [report](#) of September 29, 2017, sheds light on a disturbing trend unfolding before, during, and after the elections, emphasizing a deliberate effort to stifle opposition voices.

The report prominently features the case of Diane Rwigara, a would-be independent presidential candidate, and her family, subjected to arrest, intimidation, and enforced disappearance and the members of her political party who disappeared since then. This incident serves as a stark example of the Rwandan authorities' crackdown on political dissent.

Leading up to the elections, opposition candidates such as Frank Habineza and Philippe Mpayimana reported harassment, threats, and intimidation. The atmosphere was tainted by the selective barring of potential contenders and irregularities during the campaign and voting, creating an environment of fear and suppression.

The report also highlights the targeting of the Forces démocratiques unifiées (FDU)-Inkingi opposition party. Seven FDU-Inkingi members, including leaders, were arrested on September 6, accused of forming an irregular armed group and offenses against the president. Théophile Ntirutwa, a party representative, went missing on the same day, reappearing after 17 days in incommunicado detention. Other many members of FDU - Inkingi have disappeared and never been seen again while other members of FDU -Inkingi and Diane Rwigara were killed.

The utilisation of enforced disappearances as a means to suppress political opposition and activities and their members violates both Rwandan and international law. HRW 's report underscores the imperative for international condemnation of Rwanda's crackdown on political dissent, urging donors and global actors to denounce these actions. The United Nations Working Group on Enforced or Involuntary Disappearances is urged to support efforts to address these violations and uphold human rights standards in Rwanda.

### **Personal Experience of Noel Zihabamwe's Brothers - Jean Nsengimana and Antoine Zihabamwe**

Zihabamwe's two brothers Jean Nsengimana and Antoine Zihabamwe were forcibly abducted by the Rwanda Investigative Bureau in September 2019, with the government subsequently employing media channels to tarnish and discredit Zihabamwe's image rather than providing assistance. Instead of extending support to Zihabamwe's family, the Rwandan government opted for a disconcerting strategy, utilising media platforms to tarnish his image. This reprehensible tactic serves as a stark illustration of the government's blatant disregard for human rights and its role in perpetuating enforced disappearances.

Prior to the disappearance of his brothers, Zihabamwe himself was a target of harassment and intimidation during the 2017 elections. The former Rwandan ambassador publicly threatened him, creating an atmosphere of fear and insecurity. This blatant act of intimidation reflects a broader pattern of suppressing human rights activists and opposition during prior and during presidential election.

### **Rationale for Enforced Disappearances in the Context of Elections in Rwanda**

The personal experience of Noel Zihabamwe and the enforced disappearance of his brothers provide a compelling rationale for the systematic use of enforced disappearances in the context of elections in Rwanda. The government's deployment of intimidation, harassment, and media manipulation indicates a calculated strategy to stifle opposition and human rights advocates voices and eliminate any perceived threats during the electoral process.

### **Challenges to Investigation and Accountability**

Identifying the primary challenges to investigation and accountability in Rwanda is crucial for understanding the pervasive culture of impunity surrounding enforced disappearances. The lack of political will, institutional failures, and the absence of an impartial judiciary hinder the prospects of holding perpetrators accountable. Witnesses and victims' families face threats and intimidation, impeding the collection of credible evidence. Cooperation

from law enforcement agencies is lacking, emphasising the need for concerted efforts to overcome these obstacles.

## **Recommendations to Prevent and Address Enforced Disappearances**

In response to the identified challenges, the Rwanda Accountability Initiative (RAI) proposes a comprehensive set of recommendations aimed at preventing and addressing enforced disappearances in the context of elections in Rwanda.

### **A. WGEID to push for Strengthening Legal Frameworks**

- ✓ Enhance domestic legislation to explicitly criminalise enforced disappearances in alignment with international human rights standards.
- ✓ Establish an independent judicial body to oversee investigations and prosecutions, ensuring impartiality and transparency.

### **B. Protection of Witnesses and Victims' Families**

- ✓ Implement measures to protect witnesses and victims' families from intimidation, reprisals, and harassment.
- ✓ Establish a witness protection program to encourage reporting and cooperation in investigations.

### **C. Capacity Building and Training**

- ✓ Provide specialised training to human rights advocates on handling cases of enforced disappearances.
- ✓ Strengthen institutional capacities to conduct effective and unbiased investigations.

### **D. International Collaboration:**

- ✓ Encourage international cooperation in the investigation and prosecution of perpetrators, seeking assistance from relevant international organisations.
- ✓ Facilitate collaboration with regional and international bodies to ensure an impartial examination of cases.

### **E. Transparency and Accountability**

- ✓ Establish a transparent and accountable process for addressing enforced disappearances, including regular reports on investigations, prosecutions, and outcomes.
- ✓ Build public trust and confidence through transparent communication on efforts to combat enforced disappearances.

## ***F. Civil Society Engagement***

- ✓ Foster collaboration

### **Conclusion,**

Our contribution highlights the systematic suppression of political opposition, activists, and journalists, creating an environment of fear and intimidation that extends before, during, and after electoral cycles. Notable cases, such as that of Diane Rwigara , Noel Zihabamwe's brothers, and others , exemplify the government's calculated strategy to eliminate perceived threats, using intimidation, harassment, and media manipulation.

This contribution identifies challenges to investigation and accountability, including a lack of political will, institutional failures, and threats faced by witnesses and victims' families. In response, RAI proposes a set of recommendations aimed at preventing and addressing enforced disappearances. These include strengthening legal frameworks, protecting witnesses and families, capacity building, international collaboration, transparency, and civil society engagement.

This underscores the urgent need for international condemnation of Rwanda's crackdown on political dissent, urging the United Nations Working Group on Enforced or Involuntary Disappearances to support efforts to address these violations. The personal experience of Noel Zihabamwe's family serves as a poignant reminder of the real and human cost of enforced disappearances, emphasising the imperative for accountability and the protection of human rights in Rwanda.

End.