

**Mandates of the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights of indigenous peoples; and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance**

REFERENCE:  
AL RWA 2/2018

14 December 2018

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights of indigenous peoples; and Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, pursuant to Human Rights Council resolutions 35/15, 34/18, 33/12 and 34/35.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the killing of one person and injuries of 15 others from a Batwa community in Umurambi village, Nyaruguru district.

According to the information received:

On the night between 27 and 28 June 2018, a Batwa neighbourhood in Umurambi village was allegedly ambushed by a group of armed villagers from a neighbouring village. The group attacked households, beating several individuals, including elders, women, children and a disabled man. As a result of the attacks, one person was beaten to death and 15 others were injured, out of which seven were taken to hospital.

Reportedly, the incident happened following a conflict between two individuals, where the person who was later killed was accused by the other of stealing sand. Following the dispute between the two, a group of villagers attacked the home of the person accused of stealing sand, as well as other houses in his neighbourhood. The attacked households were inhabited by families from the Batwa group, also known as Historically Marginalised People (HMP) in Rwanda. The group of armed villagers who attacked the Batwa households were reportedly non-Batwa.

It was reported that three of the armed villagers were arrested, while others fled after the incident. The three were later released by the police. According to information received, there has been no investigations nor trial on the case, and the victims have not received any compensation or remedy. Allegedly, local authorities blocked access to the media to the area and denied that the killing and attacks had taken place. Local authorities have reportedly expressed that the incident is regarded as an internal fight between individuals.

According to the information received, the above incident occurred in the general context of harassment, marginalisation and discrimination of the Batwa by other Rwandans. Previous attacks have reportedly taken place: In 2015, in Ranazige cell, Nyamugari village, Rusenge sector, the houses of a Batwa community were attacked and plants were cut down by non-Batwa villagers, blaming them for having stolen a goat. The police who intervened in the case reportedly declared the Batwa as the thieves and stated that they were unable to provide protection for them. In 2014, in Rusenge sector, Rasaniro cell, a Batwa man was beaten to death by a group of persons, while he was looking for clay in the marshland. The case was taken to trial, where one person received a sentence for the killing, while the others were not held accountable. Previous cases have also been reported.

While we do not wish to prejudge the accuracy of these allegations, we express serious concern regarding the alleged attacks and the targeting of Batwa households in Umurambi village, causing the death of one person and the injury of 15 others. We are furthermore deeply concerned about the broader context of discrimination and what may be a recurring pattern of attacks against Batwa by non-Batwa, with death, injury and damage of personal belongings of impoverished Batwa communities as consequence. In this regard, we also express grave concern about the alleged blocking of the media to the area by local authorities and hence, the lack of the public's access to information about and scrutiny of the killing and attack on the Batwa households. Finally, we are concerned about the alleged failure to investigate and prosecute the perpetrators as well as to provide an affective remedy to the victims.

We would like to reiterate our concern for the physical integrity of members of the Batwa people in Rwanda in light of the reported case and previous incidents, which have in the past resulted in reported physical attacks and killings.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information on measures taken by the Government to carry out an immediate, impartial, and transparent investigation into the incident.
3. Please provide further information on the findings of the aforementioned investigation should it already have been completed, and particularly if an

individual or group were held accountable. If no investigations have been conducted, please explain why.

4. Please provide information on if any individual or group was prosecuted, and the result of the prosecution should the investigation have been completed by your Excellency's Government.
5. Kindly explain why representatives of the media were blocked to access the location and cover the incidence, and which efforts your government are taking to ensure access to information and freedom of expression.
6. Please provide information on the efforts of your Government to address the situation of poverty, disadvantage and discrimination against the Batwa, known as Historically Marginalised Peoples (HMP), in Rwanda and in particular to prevent the occurrence of discrimination, harassment and violent attacks and killings by other citizens?

We would appreciate receiving a response within 60 days. Passed this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please accept, Excellency, the assurances of our highest consideration.

Agnes Callamard

Special Rapporteur on extrajudicial, summary or arbitrary executions

David Kaye

Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Victoria Lucia Tauli-Corpuz

Special Rapporteur on the rights of indigenous peoples

E. Tendayi Achiume

Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

**Annex**  
**Reference to international human rights law**

In connection with above alleged facts and concerns, we would like to bring to your Excellency's attention article 3 of the Universal Declaration of Human Rights which guarantees the protection of the right to life without distinction or discrimination of any kind, and provides that all persons shall be guaranteed equal and effective access to remedies for the violation of that right. Furthermore, we remind that the right not to be arbitrarily deprived of one's life is recognized as part of customary international law and the general principles of law, and is also recognized as a jus cogens norm, a fundamental principle of international law that is universally binding at all times.

In this respect we would also like to draw attention to the International Covenant on Civil and Political Rights (ICCPR), which your Government ratified on the 16th of April 1975. Article 6 of the ICCPR guarantees the inherent right to life of every individual and provides that this right shall be protected by law and that no one shall be arbitrarily deprived of his life. In its General Comment No. 31, the Human Rights Committee recalls the responsibility of State parties to exercise due diligence to prevent, punish, investigate and bring perpetrators to justice or redress the harm caused by non-state actors (CCPR/C/21/Rev.1/Add.13, paras. 8 and 18). The Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016) provides detail on the duty to investigate potential unlawful deaths "promptly, effectively and thoroughly, with independence, impartiality and transparency." A failure to investigate violations of the Covenant and bring perpetrators of such violations to justice could in and of itself give rise to a separate breach of the ICCPR (CCPR/C/21/Rev.1/Add.13, paras. 15).

We furthermore wish to refer to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), adopted by the General Assembly in 2007, which elaborates upon existing binding rights in the specific cultural, historical, social and economic circumstances of indigenous peoples. In particular, we would like to recall article 7 of the UNDRIP which provides that indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.

We equally wish to refer to the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), ratified by Rwanda in 1975. Article 1 (1) defines racial discrimination as "any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life". The Committee on the Elimination of Racial Discrimination has frequently reiterated that discrimination based on religious grounds is covered by ICERD in cases where it intersects with other forms of discrimination prohibited under article 1(1).

We recall that Article 2 (1) of ICERD obliges States Parties to prohibit and eliminate any act or practice of racial discrimination against persons and/or groups. To this end, States must ensure that public authorities and institutions on the national and local level act in compliance with this obligation. Article 5(b) further requires States Parties to guarantee the

right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law. This includes the right to personal security and protection by the State against violence or bodily harm, regardless of whether harm is inflicted by government officials or by any individual group or institution. In accordance with article 6, States Parties must not only ensure the effective protection against racial discrimination of everyone within their jurisdiction, but also provide access to remedies and adequate reparation to victims of racial discrimination.

Finally, we recall that article 19 of the ICCPR guarantees the right to freedom of expression, which includes “freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice”. We would like to remind your Excellency’s Government that any limitation to the right to freedom of expression must meet the criteria established by international human rights standards, such as article 4 and 19 (3). Under these standards, limitations must be determined by law and must conform to the strict test of necessity and proportionality must be applied only for those purposes for which they were prescribed and must be directly related to the specific need on which they are predicated.