

EXTERNAL

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"Disappearance"

20 June 1997

ZAMBIA / RWANDA Agnes Ntamabyaliro Rutagwera (f), aged 46, former government minister in Rwanda

There are grave fears for the safety of Agnes Ntamabyaliro Rutagwera, a Rwandese national who "disappeared" from her home in Mufulira, in northern Zambia, on 27 May 1997. She has not been seen since.

On the morning of 27 May, three men, two of whom were described as wearing uniforms of the Zambian immigration service, arrived at Agnes Ntamabyaliro Rutagwera's house in a car reportedly bearing a Zambian government licence plate and asked her to accompany them to the immigration office. When she suggested making her own way there on public transport, they reportedly insisted that she accompany them in their car. When her husband came home at lunchtime, his wife had not returned. He reported the case the same day to the immigration office; the officer in charge claimed to have no knowledge of the case nor of any instructions given by his office to ask Agnes Ntamabyaliro to report there. Subsequent investigations by the immigration office and by the Zambian police have so far failed to reveal her whereabouts. Amnesty International has raised the case with the Zambian authorities who have been unable to provide further information and deny any involvement in the "disappearance".

Agnes Ntamabyaliro Rutagwera - married with five children of her own and guardian of two others - had held the positions of Minister of Justice and Minister of Commerce in Rwanda under the government of former President Juvénal Habyarimana. Along with hundreds of thousands of other Rwandese, she and her family fled Rwanda in July 1994, following the outbreak of the genocide which claimed the lives of as many as one million people and the subsequent victory of the Rwandese Patriotic Front over the forces of the former Rwandese army. Initially she lived as a refugee in Bukavu, in Zaire, then moved to Zambia where she has remained since 1995.

Mufulira is situated around 18 kilometres from the border with the Democratic Republic of Congo (DRC), formerly Zaire. Rwandese sources in Zambia suspect that Agnes Ntamabyaliro Rutagwera may have been abducted by agents of the Rwandese Government. There are unconfirmed rumours that she may have been taken initially into military custody in Lumumbashi in DRC - just across the border - then put aboard a plane to Kigali, in Rwanda. To date, sources in Rwanda have not been able to trace her presence there.

Amnesty International has received no conclusive information indicating that Rwandese agents were behind this "disappearance". However, the organization has received information in the past from other countries, including Kenya and Uganda, pointing to the involvement there of agents of the Rwandese government in the abduction, arrest and subsequent *refoulement* of Rwandese refugees. In Kenya, several Rwandese refugees, including prominent critics of the Rwandese government, have been killed or injured by individuals believed to be acting on the orders of the Rwandese Government.

Amnesty International believes that if Agnes Ntamabyaliro has been returned to Rwanda, her life may be at risk.

BACKGROUND INFORMATION

Since the beginning of 1997, members of the former government of Rwanda, their families and other individuals associated with them have been especially at risk of human rights violations in Rwanda, including arbitrary arrest, detention without charge or trial in conditions amounting to cruel, inhuman or degrading treatment, "disappearance" and extrajudicial execution. Some of these individuals may well be guilty of participation in or planning of the genocide in 1994; however, Amnesty International is concerned that arrests often appear to be carried out without prior, thorough investigation and that some individuals are being targeted simply because of the post which they held under the previous government, regardless of the role which they may or may not have played in relation to the genocide. Amnesty International would also be concerned about the abduction and unlawful forcible return of these individuals.

Trials of those accused of participation in the genocide began in Rwanda in December 1996 and are ongoing. Amnesty International has concerns about the unfairness of many of the first trials, where some defendants were denied legal counsel. Those classed as "Category 1" defendants - accused of having played a leading role in the genocide - face the death penalty.

Amnesty International is aware of scores of asylum-seekers and refugees from various countries who have been detained in prison on remand by the Zambian authorities, sometimes for years.

RECOMMENDED ACTION: Please send telegrams/faxes/express/airmail letters in English or your own language:

- expressing deep concern for the safety of Agnes Ntamabyaliro Rutagwera;
- asking for the results of the investigations into her "disappearance" and for action to be taken to bring to justice those found responsible;
- appealing for information on her current whereabouts to be immediately communicated to members of her family;
- seeking assurances that if she is still in Zambia, her safety will be guaranteed and she will be protected from *refoulement* to Rwanda where her life may be at risk; if she is being held in detention, asking for the reasons for her arrest and what, if any, charges have been brought against her.

APPEALS TO:

1. Mr Eric Tukombe
Acting Commissioner for Refugees
Ministry of Home Affairs
Lusaka, Zambia

Fax: +260-1-254669

Telegrams: Mr Tukombe, Home Affairs Ministry, Lusaka, Zambia

Salutation: Dear Mr Tukombe

2. Mr P. Sinyangwe
Commissioner of Prisons
Ministry of Home Affairs
Kabwe, Zambia

Fax: +260-5-223-916 (if voice, ask for fax tone)

Telegrams: Commissioner of Prisons, Home Affairs, Kabwe, Zambia

Salutation: Dear Commissioner

3. Mr Eugene Mutantika,
Chief Immigration Officer
Ministry of Home Affairs

Lusaka, Zambia

Fax: +260-1-251-725 (if voice, ask for fax tone)

Telegrams: Chief Immigration Officer, Home Affairs, Lusaka, Zambia

Salutation: Dear Chief Immigration Officer

4. Mr Chitalu Sampa,
Minister of Home Affairs
Ministry of Home Affairs
Lusaka, Zambia

Fax: +260-1-254669 or c/o Min of Defence, +260-1-253875

Telegrams: Minister Home Affairs, Lusaka, Zambia

Salutation: Dear Minister

COPIES TO:

Anastase Gasana
Ministre des affaires étrangères
Ministère des affaires étrangères, BP 179, Kigali, Rwanda
Fax: +250 72934 or +250 72904

and to diplomatic representatives of ZAMBIA accredited to your country. If possible, please also send copies to diplomatic representatives of RWANDA.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 2 August 1997.