

EXTERNAL

AI Index: AFR 32/41/97

UA 229/97

Arbitrary arrest / fear of ill-treatment /  
fear of refoulement

22 July 1997

**KENYA** More than 80 Rwandese nationals including:

Emmanuel Bizimana  
Spéciose Kayitesi (f)  
Appollinaire Kanyenzi and his wife  
Alfred Munyandekwe  
Moise Ntunda  
Bertrude Mukasanga (f)  
Evariste Nyerengoga  
Médiatrice Mukantagara (f)  
Marie-Thérèse Mbonabarigi  
Chris Kabera  
Straton Bizimana

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**Several Burundi nationals, including a 40 year-old woman**

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More than 80 Rwandese nationals are reported to have been arbitrarily arrested by the Kenyan police between 18 and 21 July 1997. There are fears that they could be subjected to ill-treatment in detention. As the Kenyan authorities appear to be cracking down on Rwandese refugees, they may also face deportation to Rwanda where they would be at risk of serious human rights violations.

Between 30 and 40 of the Rwandese, including those named above, were reportedly arrested in their homes in the Kenyan capital Nairobi on 18 July. They are reportedly detained at Buru Buru Police Station. They are not known to have been formally charged. The whereabouts of the others are not known.

Several Burundi nationals were also reportedly arrested. There are unconfirmed reports that some have since been released. One 40 year-old Burundian woman, suffering from ill-health, was arrested on 21 July along with her eight year-old son, Kenny Muhoza. Her son was reportedly found abandoned in the street later the same night.

These arrests occurred soon after seven other Rwandese in Nairobi were arrested on 18 July at the request of the International Criminal Tribunal for Rwanda (ICTR) on suspicion on having played a leading role in the genocide which claimed as many as one million lives in Rwanda in 1994. These seven, who include senior members of the former government of Rwanda, have since been transferred to the ICTR's detention centre at Arusha, in Tanzania.

Sources in Nairobi indicate that the subsequent raids by Kenyan police and arrest of more than 80 other Rwandese may have been motivated by a search for several other individuals suspected of having played a leading role in the genocide but who had escaped arrest. However, the 80 arrested are not known to face accusations of involvement in the genocide and appear to have been arrested arbitrarily.

The arrests of Rwandese refugees in Nairobi in the last few days followed a visit to Kenya by Major-General Paul Kagame, Vice-President and Minister of Defence of Rwanda.

**BACKGROUND INFORMATION**

There has been a pattern of arbitrary arrests, detention without charge and ill-treatment of refugees in Kenya over the last few years. Rwandese refugees appear to be especially at risk. Amnesty International has received reports of refugees from various countries - including Rwanda, Burundi, Uganda, Ethiopia and Somalia - being harassed, ill-treated or tortured by the Kenyan security forces. Some have been deported against their will to their country of origin, in apparent disregard of the human rights violations which they may face there.

Torture and ill-treatment in Kenyan detention centres is widespread and usually takes place soon after arrest. Criminal suspects as well as political prisoners have been tortured to extract confessions. Some have been held without charge beyond the legal limit of 24 hours, or 14 days on suspicion of a capital charge, and in harsh conditions.

Amnesty International welcomes the cooperation of the Kenyan authorities in identifying and arresting individuals suspected of having played a critical role during the genocide in Rwanda. However, the presence of such individuals on Kenyan soil should not serve as a pretext for harassing and arbitrarily arresting other Rwandese refugees who may not have participated in the genocide.

If forcibly returned to Rwanda, these refugees would face the risk of serious human rights violations, including arbitrary arrest, prolonged detention in life-threatening conditions, ill-treatment, unfair trial and possibly the death penalty. There are currently more than 110,000 people detained in Rwanda, most on accusations of participation in the genocide. At least 60 have been sentenced to death. Amnesty International has documented a significant deterioration in the human rights situation in Rwanda since the start of 1997.

In addition to the human rights violations mentioned above, thousands of people - many of them returnees from neighbouring countries - have been extrajudicially executed; others have "disappeared".

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

- expressing concern that more than 80 Rwandese nationals - including those named above - and several Burundians are reported to have been arbitrarily arrested since 18 July 1997, following the arrest of seven others at the request of the International Criminal Tribunal for Rwanda;
- welcoming the Kenyan authorities' cooperation with the International Criminal Tribunal for Rwanda in identifying suspected perpetrators of the genocide but stating that this should not serve as a pretext for ordering or condoning arbitrary arrests;
- asking for information on the identity of the approximately 80 arrested, their current whereabouts and whether there are any charges against them;
- calling for their immediate release unless they are promptly charged with a recognizably criminal offence;
- asking for assurances that they are not being ill-treated and that they will not be forcibly returned to Rwanda where they would be at risk of serious human rights violations.

**APPEALS TO:**

Commissioner Duncan Wachira  
 Commissioner of Police, Police HQ  
 PO Box 30083, Nairobi, Kenya

**Telegrams: Police Commissioner Wachira, Nairobi, Kenya**  
**Faxes: +254 2 330495 (if no tone please try later)**  
**Salutation: Dear Commissioner**

Mr Amos Wako  
Attorney General  
PO Box 40112  
Nairobi, Kenya

**Telegrams: Attorney General Wako, Sheria, Kenya**  
**Faxes: +254 2 211082**  
**Salutation: Dear Attorney General**

Mr Stephen Kalonzo Musyoka  
Minister of Foreign Affairs and International Cooperation  
Harambee Avenue, PO Box 30551  
Nairobi, Kenya

**Telegrams: Minister Foreign Affairs, Nairobi, Kenya**  
**Faxes: +254 2 335494 or 214733**  
**Salutation: Dear Minister**

**COPIES TO:**

International Commission of Jurists (ICJ)  
PO Box 59743  
Nairobi, Kenya  
Faxes: +254 2 562098

and to diplomatic representatives of KENYA accredited to your country.

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