

PUBLIC

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Fear of torture or ill-treatment/
Fear of refoulement

19 October 2001

UGANDA/RWANDA

Yvan Kayitana RUKESHA (m) - former Rwandese army officer
Adolphe DUSABE (m) - former Rwandese police officer
Robert Boyoma SENDANYOYE (m) - Rwandese civilian

The three Rwandese men named above, were detained by Ugandan security forces on 9 October. Amnesty International is concerned that they are at risk of torture or ill-treatment and that two of the men may be forcibly repatriated ("refouled") to Rwanda.

The three men, who lodged in the same house, were arrested by members of the Ugandan Anti-Terrorist Task Force on suspicion of entering Uganda for "terrorist or criminal motives". The men are currently being detained at an unofficial detention centre in Kampala, referred to as a "safe house". Amnesty International believes that detainees are especially vulnerable to torture and ill-treatment in such unofficial detention sites. Another Rwandese national arrested with them, but subsequently released, was reportedly seriously beaten in custody by the Ugandan security forces.

Yvan Kayitana Rukeshu is a former lieutenant of artillery in the Rwandese Patriotic Army (RPA). He fled Rwanda in mid-2001 because he had reportedly been threatened and feared arrest, after complaining about a senior officer's abusive behaviour. Adolphe Dusabe is a former Rwandese police officer. Since their arrest, the Rwandese authorities have reportedly requested that both men be returned to Rwanda to face charges of desertion. If they were returned, it is likely they would be taken into military custody, where torture and ill-treatment is common.

Although neither man is known to have formally requested asylum in Uganda, Amnesty International considers them to be refugees who have a well-founded fear of persecution if returned to Rwanda.

BACKGROUND INFORMATION

The three men were part of a group of 10 Rwandese detained by members of the Ugandan Anti-Terrorist Task Force on 9 October. Seven of the group, most of them students, were later released.

Of those released, two male students were given 48 hours to leave the country, although they reportedly possessed valid visas for study in Uganda. One of these students, Rogers Rugwiza, was reportedly beaten shortly after his arrest. They have since returned to Rwanda, as has a third male student. Two female students were unconditionally released and currently remain in Uganda. At the time of writing, Amnesty International has no reason to fear for the safety of these individuals in Rwanda or Uganda. A third woman, Emérite Rukeshu, wife of detainee Yvan Kayitana Rukeshu, was conditionally released, apparently because she is pregnant. However her passport was confiscated, though she has reportedly been allowed to visit her husband in detention.

Relations between Uganda and Rwanda have deteriorated markedly in recent months, with both governments trading accusations that the other country is harbouring or training dissidents.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:

- asking for assurances that the three men will not be ill-treated during their detention, and calling for an immediate and impartial investigation into claims that Rogers Rugwiza, a student arrested with the three men, was beaten in detention;

- appealing to the authorities to publicly disclose the whereabouts of the three men and to allow them access to legal representation and visits from relatives and human rights and humanitarian organizations;
- asking for the legal basis for their arrest and detention to be made known and calling for their immediate and unconditional release unless they are to be charged with a recognizably criminal offence;
- expressing concern that Yvan Kayitana Rukeshu and Adolphe Dusabe may be forcibly returned to Rwanda, where they have a well-founded fear of persecution and may face torture or ill-treatment;
- noting that their forcible return to Rwanda would be a serious violation of Uganda's commitments under national and international law, in particular the 1951 UN Refugee Convention and the 1969 Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa, and urging the Ugandan authorities to uphold the principle of non-refoulement of refugees from Rwanda or any other country.

APPEALS TO:

President Yoweri K MUSEVENI
Office of the President
Parliament Buildings
PO Box 7168, Kampala, Uganda
Fax:+256 41 235 462
e-mail: museveni@starcom.co.ug
Salutation: Dear President

Mr Eriya KATEGAYA
Minister for Internal Affairs
Ministry of Internal Affairs
PO BOX 7084, Kampala, Uganda
Fax:+256 41 343 088
Salutation: Dear Minister

Mr Janat Balunzi MUKWAYA
Minister of Justice and Constitutional Affairs
Ministry of Justice and Constitutional Affairs
PO BOX 7183, Kampala, Uganda
Fax:+256 41 254 828
Salutation: Dear Minister

Mr Jaberu BIDANDI-SSALI
Minister of Local Government
Ministry of Local Government
PO Box 7037
Kampala
Uganda
Fax:+256 41 258 127
Salutation: Dear Minister
COPIES TO:

Mr James Wambogo WAPAKHBULO, Minister for Foreign Affairs, Ministry of Foreign Affairs,
Box 7084,
Kampala,
Uganda,
Fax:+256
41 258 722

Rwandese Minister of Foreign Affairs and Regional Cooperation
Mr André BUMAYA, Minister of Foreign Affairs and Regional Cooperation, Ministry of Foreign Affairs and Regional Cooperation, PO Box 179 KIGALI

Rwanda, Fax: + 250 72904 ; e-mail: minafet1@rwanda1.com

and to diplomatic representatives of Uganda / Rwanda accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 30 November 2001.