

EXTERNAL (for general distribution)

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Fear of Torture/Legal Concern

31 July 1991

RWANDA: Jean GAKURU, businessman

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Jean Gakuru, a businessman in the northwestern town of Gisenyi, aged 40 years, was arrested on 3 April 1991 by members of the Rwandese security forces. He is reported to have been held since then at a military camp situated opposite the main hospital in the Rwandese capital, Kigali. He has not been allowed access to members of his family who have expressed fears about his physical integrity. The reasons for his arrest have not been made public and he is not known to have been charged with any offence. Amnesty International has recently learned of his continuing detention, which appears to be unlawful. There is no provision in Rwandese law for civilians to be imprisoned in military custody without being referred to the civilian judicial authorities (the procuracy) within a few days of arrest.

Jean Gakuru was first arrested by members of the Rwandese security forces on 21 February 1991. He is not known to have been charged with any specific offence nor to have been told the reasons for his arrest. He was later released on 29 March 1991, at a time when several thousand untried political detainees were also released.

Amnesty International is concerned that Jean Gakuru has been held incommunicado since April 1991 in military custody in circumstances where he may be subjected to torture or other forms of cruel, inhuman or degrading treatment. The organization is further concerned that his recent arrest appears to be similar to his previous one in February 1991 when he was held without charge or trial for more than a month.

#### BACKGROUND INFORMATION

At least 8,000 people, most of them members of the minority Tutsi ethnic group, were arrested following a violent attack on Rwanda by Uganda-based Rwandese exiles, who are members of a rebel group known as the Front patriotique rwandais (FPR), Rwandese Patriotic Front. Many of those who were arrested were reportedly subjected to various forms of ill-treatment, including beatings, and some were tortured by soldiers, gendarmes or other security officials. Some prisoners were executed extrajudicially, especially in northern Rwanda. Most of the 8,000 detainees were released by the end of April 1991. About 50 civilians, 15 captured combatants and about 100 soldiers remain in detention. Eighteen of the 25 civilians who were tried at the beginning of the year are serving prison sentences; a number of soldiers are currently on trial.

#### RECOMMENDED ACTION: Telegrams/telexes/faxes/express and airmail letters:

- expressing concern at reports that Jean Gakuru was arrested in April 1991, shortly after being released from one month's detention without charge or trial, and that he is still detained without trial, apparently without being referred to the procuracy, at a military camp in Kigali;
- expressing concern that he has not been allowed access to visits by his relatives who have not been informed of the reasons for his detention, and that he has not had access to legal counsel;
- pointing out that it is under such conditions of detention that a number

of prisoners in Rwanda are reported in the recent past to have been subjected to torture and other forms of cruel, inhuman or degrading treatment by members of the security forces, and requesting assurances that Jean Gakuru has not been ill-treated and will be allowed immediate access to his relatives, independent legal counsel and medical attention;

- inquiring whether Jean Gakuru is still held and, if so, whether he has been charged with any specific offence and asking to be informed of the reason for his rearrest and continuing imprisonment;

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- inquiring what the legal basis is for his imprisonment in military custody since April 1991 and seeking assurances that he will be allowed to challenge in a court of law the legal grounds for his detention;

- urging the authorities to ensure that Jean Gakuru is released without delay if he is not to be charged with a recognizably criminal offence and brought promptly to fair trial.

**APPEALS TO:**

Son Excellence  
Président Juvénal HABYARIMANA  
Président de la République  
**[Salutation: Monsieur le  
Président]**  
BP 15  
Kigali, République rwandaise  
**Telegrams: President Habyarimana,  
Kigali, Rwanda**  
**Telexes: 22517**  
**Faxes: + 250 74583**

Le Colonel Bem Augustin  
NDINDILIIYIMANA  
Ministre à la Présidence pour  
la Défense et la Sécurité  
**[Salutation: Monsieur le Ministre]**  
BP 15  
Kigali, République rwandaise  
**Telegrams:  
Ministre Ndindiliyimana,  
Kigali, Rwanda**

Monsieur Sylvestre NSANZIMANA  
Ministre de la Justice  
**[Salutation: Monsieur le Ministre]**  
Ministère de la Justice  
BP 160  
Kigali, République rwandaise  
**Telegrams: Ministre Nzanzimana,  
Kigali, Rwanda**  
**Telexes: 22502**

**COPIES TO TWO OR MORE OF THE FOLLOWING:**

Monsieur le Docteur Casimir  
BIZIMUNGU  
Ministre des Affaires étrangères  
et de la coopération  
Ministère des Affaires étrangères  
BP 179  
Kigali, République Rwandaise  
**Faxes: +250 72902 / +250 72904**

Monsieur Donat HAKIZIMANA  
Secrétaire général  
(National security service)  
Service central de renseignements  
(SCR)  
BP 125  
Kigali, République rwandaise

- Monsieur le Rédacteur-en-Chef, Imvaho, BP 83, Kigali, République rwandaise  
- Monsieur le Rédacteur-en-Chef, Kinyamateka, BP 761, Kigali, République rwandaise  
- Monsieur le Rédacteur-en-Chef, La Relève, Office rwandaise d'information, BP 83, Kigali, République rwandaise

- Monsieur le Rédacteur-en-Chef, Le Consommateur Africain, BP 1852, Kigali, République rwandaise
- Monsieur le Rédacteur-en-Chef, Isibo, Bureau central, BP 2258, Kigali, République rwandaise
- Monsieur le Rédacteur-en-Chef, Le Tribun du Peuple, BP 2314, Kigali, République rwandaise

and to diplomatic representatives of Rwanda in your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 11 September 1991.