

UA 280/02 Forcible return/Prisoners of conscience/ 9 September 2002  
Torture or ill-treatment/Medical concern

DEMOCRATIC Boniface Rukumbuzi (m), law student  
REPUBLIC and

RWANDA/BURUNDI Felix Shikiro (m)  
John Ruganza (m)  
Venant Bagabo (m)  
Nyabohuka (m)  
Mateso Senenda (m)  
Kilongo Fariala (m)  
OF CONGO (DRC)/ Jean Paul Rubya

Amnesty International is concerned for the safety of eight refugees from the Democratic Republic of Congo (DRC). They were recently arrested in Burundi and forcibly returned to eastern DRC. The men are now detained by the *Rassemblement congolais pour la démocratie-Goma* (RCD-Goma), Congolese Rally for Democracy, a Rwandese-backed armed political group and the *de facto* political authority in much of eastern DRC.

The detainees are at serious risk of torture or ill-treatment. A number of the men were reportedly ill-treated in detention by RCD-Goma officials and are in need of urgent medical attention. Amnesty International believes that all the men are genuine refugees who were at risk of human rights abuses in DRC and who were therefore entitled to international protection in Burundi.

Some of the men named above are members of the Congolese Tutsi ethnic group, known as Banyamulenge, and were reportedly perceived by the Burundian authorities as leading spokespersons of the Banyamulenge refugee community in Burundi. There are fears more people may be forcibly returned.

Six men from the Banyamulenge ethnic group were arrested and forcibly returned on 15 August. They are reportedly accused by the RCD-Goma of supporting or sympathizing with an armed Banyamulenge armed opposition group in the Minembwe region of South-Kivu province, DRC. With the possible exception of Nyabohuka, about whom no further details are known, all eight men are currently held at the *Direction Provinciale de Migration* (DGM), Provincial Directorate for Migration, in Goma, North-Kivu province, and all are reported to have been beaten in RCD-Goma custody.

Boniface Rukumbuzi was arrested in Bujumbura, Burundi's capital. His arrest and detention may relate to an article he wrote in April for a Burundian magazine which criticized the RCD-Goma and Rwandese presence in DRC. He was detained for one day in the

Kigobe police station in Bujumbura, before being transferred to Uvira, South-Kivu province. He was subsequently transferred to Bukavu, South-Kivu, and then to Goma.

Jean-Paul Rubyagiza was arrested in the Ngagara refugee camp in Burundi by the *Police de Sécurité publique* (PSP), Public Security Police. Jean-Paul Rubyagiza was the spokesperson for the refugee camp. It is believed his forcible return and detention in DRC may relate to the fact that he is reportedly related to Patrick Masunzu, leader of the armed opposition.

Alex Shikiro, a spokesperson for Congolese refugees in a refugee camp which has been recently closed in Rugombo, Cibitoke province, Burundi, and John Ruganza, a former camp resident, were arrested in Rugombo and detained at the *Documentation Nationale*, National Intelligence Agency, in Bujumbura, before being transferred to RCD-Goma custody in Uvira. They have reportedly been accused of encouraging Banyamulenge refugees to join the Banyamulenge armed opposition group. Venant Bagabo, a refugee in Burundi since 1999, was also arrested in Rugombo, before being transferred to RCD-Goma custody in Uvira. He has reportedly been beaten by agents of the RCD-Goma in Uvira and as a result is suffering severe head and back pain. His arrest may have been a case of mistaken identity.

Mateso Senenda and Kilongo Fariala are not members of the Banyamulenge ethnic group, but were also forcibly returned to eastern DRC on 1 August. It is believed their forcible return may relate to a strongly-worded letter Mateso Senenda wrote complaining about the arrest of Congolese refugees, the corruption within the Burundian government, and the Burundian presence in eastern DRC. Mateso Senenda has reportedly been badly beaten on the head, and as a result has lost hearing in his left ear and is suffering from intense headaches. Kilongo Fariala is also suffering with stomach ache. Both men are currently held at the DGM in Goma.

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

**to the RCD-Goma and Rwandese authorities:**

calling for the immediate and unconditional release of the eight detainees, unless they are to be charged with a recognizably criminal offence for which there is supporting evidence;

calling for assurances that the detainees will be protected from ill-treatment or torture, and from cruel or inhumane conditions of detention;

calling on the authorities to grant the detainees access to medical treatment;

calling for the men to be given immediate access to human rights and humanitarian organizations, to visits by family members and legal representatives.

**to the Burundian authorities:**

urging the Burundian authorities to conduct an immediate investigation into the arrest and forcible return to DRC of the eight men by Burundian police, at the request of the RCD-Goma authorities, and stressing that the Burundian authorities had a responsibility to ensure the safety of the eight men, who had sought protection in Burundi;

pointing out that their forcible return, and other recent cases of forcible return (*refoulement*), represent a serious violation of Burundi's commitment under national and international law, in particular the 1951 UN Convention relating to the Status of Refugees.

**CONTACTS TO: (Fax numbers may be difficult to get through to, but please keep trying.)**

President of Rwanda  
President Paul KAGAME

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**Salutation:** Dear President / Monsieur le Président de la République

RCD-Goma Head of Justice and Human Rights

Maître Moïse NYARUGABO  
Chef du Département de Justice, Droits Humains et Règlement de Conflits  
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**Fax:** + 250 54 06 96  
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**Salutation:** Dear Chef du Département/ Monsieur le Chef du Département

RCD-Goma Head of Interior

Dr Bizima KARAHA  
Chef du Département de l'Intérieur  
Rassemblement congolais pour la démocratie - (RCD-Goma)  
RCD-Goma Headquarters/Etat-majeur  
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**Fax:** + 250 54 06 96  
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**Salutation:** Dear Chef du Département

Burundian Government Authorities

Head of State

Son Excellence  
Major Pierre BUYOYA  
Président de la République  
Présidence de la République  
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**Salutation:** Dear President / Monsieur le Président de la République

Rwanda and Burundi accredited to your country.

with the International Secretariat, or your section office, if sending appeals after 21 October 2002.