

PUBLIC

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Forcible return / Fear for safety

24 February 2000

RWANDA/TANZANIA

**Bertin Murera, Rwandese Patriotic Army (RPA) member
Benjamin Rutabana, musician/songwriter and demobilized RPA
member**

Rwandese nationals Bertin Murera and Benjamin Rutabana were forcibly returned from Tanzania to Rwanda on 5 February 2000, and their whereabouts are now unknown. There are unconfirmed reports that they are in military custody, where they could be at risk of torture or death.

The two men fled Rwanda on 24 January 2000, after hearing that the Rwandese authorities were planning to arrest them. They were allegedly involved in helping former National Assembly speaker Joseph Sebarenzi Kabuye flee Rwanda (see below).

They first applied for asylum in Burundi, but decided it was not safe to stay there, because of the close relations between Burundi and Rwanda. The Office of the United Nations High Commissioner for Refugees (UNHCR) arranged for them to go to Kigoma, in Tanzania, where they arrived on 31 January.

Tanzanian police arrested the two men on 4 February, at the hotel where they were staying in Kigoma. They were then taken to Ngara, near the Rwandese border, and forcibly returned to Rwanda on 5 February.

The Tanzanian police appear to have arrested Bertin Murera and Benjamin Rutabana at the request of the Rwandese authorities, who had reportedly claimed that the men were wanted in connection with a murder and robbery in Rwanda. It is not known whether there is any substance to these accusations or whether they have been formally charged with any criminal offence.

There are unconfirmed reports that they may be in military custody at the *Garde présidentielle* (Presidential Guard) in the Rwandese capital, Kigali.

BACKGROUND INFORMATION

There are an unknown number of prisoners in official and unofficial military detention centres across Rwanda. In almost all cases, their relatives, human rights and humanitarian organizations are denied access to them. It is therefore extremely difficult to verify where they are held, or even whether they are still alive. There are frequent reports of torture and ill-treatment of detainees in military custody.

Joseph Sebarenzi Kabuye was forced to resign as speaker of the National Assembly in Rwanda on 6 January 2000, and excluded from the National Assembly on 18 January. He was widely regarded as an independent politician, willing to denounce abuses and speak out against corruption. After he resigned, he fled to Uganda, where he was reportedly arrested on 23 January. His whereabouts since then remain unknown. Amnesty International has raised his case with the Ugandan and Rwandese authorities.

A number of other Rwandese and Burundian asylum-seekers and refugees have been arrested and forcibly returned from Tanzania, most recently earlier this month.

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

To the Rwandese authorities:

- expressing concern for the safety of Bertin Murera and Benjamin Rutabana, who were forcibly returned from Tanzania on 5 February, apparently at the request of the Rwandese authorities;

- appealing to the Rwandese authorities to publicly disclose the whereabouts of the two men and, if they are detained, to allow them visits from relatives and human rights and humanitarian organizations;
- asking for guarantees of the two men's safety and for assurances that they will not be ill-treated;
- asking for the legal basis for their arrest and detention (if they are still detained) and calling for their immediate and unconditional release unless they are charged with a recognizably criminal offence.

To the Tanzanian authorities:

- urging the Tanzanian authorities to conduct an immediate investigation into the arrest and forcible return to Rwanda of Bertin Murera and Benjamin Rutabana by Tanzanian police, apparently at the request of the Rwandese authorities, and stressing that the Tanzanian authorities had a responsibility to ensure the safety of the two men, who had sought protection;
- pointing out that their forcible return, and other recent cases of *refoulement*, represent a serious violation of Tanzania's commitments under national and international law, in particular the 1951 UN Convention relating to the Status of Refugees and the 1969 Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa;
- expressing concern for the safety of Bertin Murera and Benjamin Rutabana in Rwanda, where their whereabouts remain unknown;
- asking the Tanzanian authorities whether they have sought assurances from the Rwandese authorities that the two men will not be subjected to human rights violations;
- urging the authorities to uphold the customary principle of non-*refoulement* of refugees from Rwanda or any other country.

APPEALS TO:

Major General Paul KAGAME
 Vice-President and Minister of Defence
 Ministry of Defence
 BP 23, Kigali, Rwanda
Telegrams: Vice-President, Kigali, Rwanda
Fax: + 250 72431 / 76969
Salutation: Dear Vice-President / Monsieur le Vice-Président

Sheikh Abdul Karim HARELIMANA
 Minister for Internal Security
 Ministry for Internal Security
 BP 446, Kigali, Rwanda
Telegrams: Minister Interior, Kigali, Rwanda
Fax: + 250 82071
Salutation: Dear Minister / Monsieur le Ministre

COPIES TO:

Gasana Ndobu
 President of the National Human Rights Commission
 BP 269
 Kigali, Rwanda
Fax: +250 82702

APPEALS TO:

Mr Ali Ameir Mohamed
 Minister of Home Affairs
 Ministry of Home Affairs
 PO Box 9223
 Dar es Salaam, Tanzania
Telegrams: Minister Home Affairs, Dar es Salaam, Tanzania
Fax: +255 51 118334
Salutation: Dear Minister

Mr Jakaya Kikwete
Minister of Foreign Affairs
Ministry of Foreign Affairs
PO Box 9000
Dar es Salaam, Tanzania

Telegrams: Minister Foreign Affairs, Dar es Salaam, Tanzania

Fax: +255 51 116600

Salutation: Dear Minister

COPIES TO:

Ms Marjon Kamara

The UNHCR Representative in the United Republic of Tanzania

PO Box 2666

Dar-es-Salaam, Tanzania

Fax: +255 51 15 28 17 or 14 or 15

and to diplomatic representatives of Tanzania accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 6 April 2000.