

18 April 2002

Further information on UA 264/01 (AFR 59/010/2001, 19 October 2001) - Fear of torture or ill-treatment/fear of forcible repatriation

UGANDA/RWANDAYvan Kayitana RUKESHA (m), former Rwandese army officer
Adolphe DUSABE (m), former Rwandese police officer
Robert Boyoma SENDANYOYE (m), Rwandese civilian

New names: Five former member of Rwandese security forces

Michael KANYAMAHANGA (m),

Joseph AKAYEZU (m),

HABIMANA (m)

And seven other men returned to Rwanda

Adolphe Dusabe is believed to be held in Makindye military barracks. He and five other former members of the Rwandese security forces are in imminent danger of being forcibly returned to Rwanda, where they would be at risk of ill-treatment or torture. The Ugandan authorities have returned 10 other men in the past two weeks.

They were among 16 former members of the Rwandese security forces who were denied refugee status in Uganda. The Ugandan authorities returned three of them to Rwanda on 5 April, and a further seven on 10 April. The Ugandan press named the first three men as Michael Kanyamahanga, Joseph Akayezu and Habimana. The Ugandan authorities described these returns as "voluntary", but Amnesty International is concerned that they may have gone under duress.

A total of 53 former members of the Rwandese armed forces had been in military custody for several months. The Ugandan authorities have granted refugee status to the remaining 37, including Yvan Rukeshu, who is reportedly held in Bweyogerere military barracks. The authorities have assured Amnesty International that none of those granted refugee status will be returned to Rwanda.

The 43 men (the 37 granted refugee status and the 6 at risk of being forcibly returned) remain in unlawful and prolonged military detention. None of them have been charged with a criminal offence or given an opportunity to challenge the lawfulness of their detention.

Robert Sendanyoye was released in November 2001 and is no longer considered at risk of *refoulement*.

BACKGROUND INFORMATION

Amnesty International believes that the real reason for the continued detention of the men relates to joint investigations being carried by Ugandan and Rwandese authorities into accusations made by both governments that the other state was harbouring and training dissidents.

Amnesty International believes that the process used to determine the refugee status of the men (made while they were in detention) was illegal and unfair. Those denied status have not been they informed of their right to appeal this decision. Amnesty International is pursuing these men's cases and concerns regarding their treatment as asylum-seekers with UNHCR.

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

To the Ugandan authorities:

- asking for public assurance that Adolphe Dusabe and the other five men denied refugee status will not be forcibly returned to Rwanda in violation of international law, where they may face ill-treatment or torture.
- asking the Ugandan government to seek urgent assurances from the Rwandese authorities that the 10 men already returned to Rwanda will not be ill-treated, tortured or subjected to other human rights violations;
- expressing concern at the prolonged and illegal detention of the 43 Rwandese. Urge that the men be released or be brought promptly before a judicial authority so that the lawfulness of their detention can be determined.
- calling on the authorities to make public the names, places of detention and current status of the 43 remaining detainees, to clarify publicly the legal basis for their in detention, and to make public the names of the 10 men returned to Rwanda.

To the Rwandese authorities

- asking for assurances that the 10 former members of the Rwandese security forces, including Michael Kanyamahanga, Joseph Akayezu and Habimana, who were recently returned from Uganda, will not be subject to human rights violations in Rwanda;
- asking the authorities to clarify publicly the current whereabouts and situation of these men.

APPEALS TO:

Ugandan authorities

Mrs Christine APORU

Minister of State for Disaster Preparedness and Refugees

Office of the Prime Minister

PO Box 341, Kampala, Uganda

Fax: + 256 41 242 341

Salutation: Dear Minister

President Yoweri K. MUSEVENI

Office of the President

Parliament Buildings

PO Box 7168, Kampala, Uganda

Fax: + 256 41 235 459

e-mail: museveni@starcom.co.ug

Salutation: Your Excellency

Mr Apollo NSIBAMBI

Prime Minister

Office of the Prime Minister

PO Box 341, Kampala, Uganda

Fax: + 256 41 242 341

Salutation: Dear Prime Minister

Rwandese authorities

President Paul KAGAME

Office of the President

PO Box 15, Kigali, Rwanda

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Salutation: Your Excellency

COPIES 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 6 June 2002.