

H. E. Yoweri Kaguta Museveni,
President,
Republic of Uganda.

November 7, 2013.

Your Excellency,

Re: Treatment of Rwandan Asylum Seekers and Refugees Living in Uganda

We, the undersigned, have been compelled by recent events to write to Your Excellency on behalf of the organizations we serve to express our grave concerns for the security of some of the tens of thousands of Rwandan refugees who have either sought asylum in Uganda or are in transit in Uganda awaiting opportunity to seek refuge in other countries.

The obligation of states to guarantee the basic human rights and physical security extends to refugees and asylum seekers in their territories. The Human Rights Committee has expressly affirmed that all civil and political rights must be guaranteed by states without discrimination between citizens and aliens. The internationally recognized rights that refugees and asylum-seekers enjoy include the fundamental right to life, liberty and security of person, the right to be free from torture and other cruel or degrading treatment, the right not to be discriminated against, and the right of access to the courts.

Refugees are also entitled to protection from refoulement and expulsion. Asylum seekers may not be summarily returned without giving them access to full and fair asylum procedures. The doctrine of non-refoulement is now recognized as a norm of customary international law of universal application, and it applies to all government agents acting in an official capacity, within or outside their national territory. All persons are also protected under international human rights law from return to any country where they would be in danger of being subjected to torture.

You have, Your Excellency, been a refugee yourself. Your wife and children were once refugees too. So were many Ugandans. We entertain no doubt whatsoever that you are aware that people do not become refugees out of choice. People abandon their families, livelihoods and belongings to go into exile because of legitimate fears of persecution. There are very compelling reasons why Rwandese citizens, including those who only returned to Rwanda in 1994, are again flocking to Uganda and other countries seeking refuge, and joining large numbers of Rwandan refugees already scattered around the globe. The Rwanda Government, from which our compatriots are fleeing in ever increasing numbers, is a dictatorship whose brutality is in every

way comparable to, and perhaps even surpasses, the Idi Amin regime against which you and other Ugandans took arms during the 1970s. The Rwandan regime's brutality far surpasses the regime against which you and other Ugandans (and Rwandans) took up arms in the early 80's. It is now universally recognized that the regime subjects political opposition, human rights defenders, journalists and critics of the government in general, to persecution including threats, intimidation, arbitrary arrests and detentions, politically motivated trials, enforced disappearances and extra-judicial killings. Some of the leaders of opposition parties and human rights defenders and journalists critical of the regime have been killed and others are languishing in prison. Citizens who have been murdered by known operatives of the Presidential Guard include Andre Kagwa Rwisereka (Vice President, Green Party), Journalist Jean Leonard Rugambage, John Rutayisire (Ministry of Finance official), and Major(Rtd) John Sengati, to mention but a few. As the annual human rights reports of the United States Department of State have consistently indicated, reports of disappearances and politically motivated abductions or kidnappings committed by agents of the state are numerous to recount in this letter. Prominent Rwandans who have been victims of enforced disappearances includes Major Alex Ruzindana, Captain Richard Isoke, Judge Augustine Cyiza and Member of Parliament Dr Leonard Hitimana. Even as we write, it has come to our attention that Martin Ntavuka, the leader of the FDU-Inkingi Party in Kigali city, has been abducted by security forces. Political prisoners who remain in detention include Victoire Ingabire (President, FDU-Inkingi), Bernard Ntaganda (President, PS Imberakuri), Deo Mushayidi President, PDP Imanzi), Dr Theoneste Niyitegeka, and Lt. Col. Rugigana Ngabo, brother of General Kayumba Nyamwasa.

Agents of the Government of Rwanda refugees even go beyond the jurisdiction of Rwanda. In 2010, the United Kingdom Metropolitan Police Service took the extra-ordinary step of warning some members of an opposition Rwanda group living in the United Kingdom of an imminent attack against them by agents of the Rwanda government. The notification of the Metropolitan Police Service reads, in part:

‘Reliable intelligence states that the Rwanda Government poses an imminent threat to your life. The threat could come in any form.You should be aware of other high profile cases where action such as this has been conducted in the past. Conventional and unconventional means have been used’.

Rwandan refugees have been targets of abortive and successful assassinations, abductions, disappearances in many countries, including the Democratic Republic of Congo, Uganda, Kenya, Zambia, South Africa, Mozambique, Belgium and the United Kingdom. Seth Sendashonga, who resigned as Minister of Interior in August 1995 in protest over massacres of innocent civilians, was assassinated in Nairobi, Kenya in 1998. Theoneste Lizinde, an army Officer was assassinated in Nairobi, Kenya in 1997. General Kayumba Nyamwasa, a former Army Chief, has survived several assassination attempts in South Africa in 2010. On 26 December 2010, agents of the government of Rwanda killed FDU-Inkingi member Jerome Ndagijimana in Kampala. Charles Ingabire, journalist, was murdered in Kampala, Uganda in December 2011. The trial of the case against persons responsible for the assassination attempt against General Kayumba is in its final states and the evidence adduced implicates a considerable number of senior military and intelligence officers of the Rwanda government.

The latest wave of violent crimes targeting Rwandan refugees involves abductions, assassinations attempts and murders of Rwandan refugees in living Uganda and South Africa. On 22 August 2012, Frank Ntwali, a Rwandan refugee living in Johannesburg, was attacked and stabbed nine times by agents of the Government of Rwanda. On 28 September 2013, agents of the Government of Rwanda attempted to kill Emille Rutagengwa, a former officer in Rwanda's Army now living as a refugee in South Africa. In May 2013, Aime Ntabana, who had taken refuge in Uganda, was abducted from Kampala by Rwandan intelligence operatives and has never been traced since that time. In August 2013, Innocent Kalisa, an exiled former member of the Rwandan security forces was reported missing in Uganda. His whereabouts and the circumstances in which he disappeared remain unknown. On 25 October 2013, Lt Joel Mutabazi, a former member of President Kagame's protection force, was abducted by agents of the government of Uganda and handed over to the Government of Rwanda. Lt Mutabazi's abduction and illegal rendition to Rwanda was the culmination of a long history of dereliction of the duty of officials of your government. Joel Mutabazi, who fled Rwanda in 2011 after enduring 17 months of solitary confinement and torture, had previously been a target of an assassination attempt by unknown persons and an abduction in which officials of the Uganda government were implicated.

"The Ugandan police have utterly failed to protect this refugee, who was clearly at serious risk," said [Daniel Bekele](#), Africa director for Human Rights Watch. "It's unconscionable that they handed him over summarily to the police force of the country whose persecution he fled."

Amnesty International stated:

Joel Mutabazi is at particular risk from the Rwandan authorities because of his former role in the Rwandan security forces, including as a bodyguard to President Kagame. He was detained incommunicado by Rwanda's Department of Military Intelligence at Camp Kami for several months in 2010 and 2011, where he was subjected to torture. Amnesty International has documented numerous allegations of torture and other ill-treatment of individuals detained at Camp Kami.

On 16th October, 2013, Patrick Rukundo, a Rwanda National Congress co-ordinator in Uganda, and the secretary of the organization, Ndayambaje Aminadab, disappeared in Uganda and are believed to have been abducted by Rwanda security agents in connivance with Ugandan security agents.

Other known Rwandan refugees who have been victims at the hands of Rwandan and Ugandan security operatives include: Kimonyo Emmanuel killed on 10 January 2012 in Mbarara; Ndagijimana Jerome, in Kabalagala, Kampala on 25 December 2011; Gatera John, killed in 2011 in Mbarara; Niyonzima Eric, gunned down on 29 September 2010 in Makindye/ Kampala; Joseph Karushya, abducted from Nakivale Camp and found dead in River Nile in Jinja in July 2010; Ndahiro Aloys, strangled to death by Rwandan Operatives on 14 July 2010 in Nakivale Settlement Center; Mukangarambe Mélanie, shot dead by Ugandan Police on 14 July 2010; Mugenzi, shot dead by Ugandan Police on 14 July 2010 in Nakivale Settlement Center; Mutuyimana Agnes, disemboweled on 14 July 2010 in Nakivale Settlement Center; Muhire,

killed on 14 July 2010 in Nakivale Settlement Center; Mukeshimana: killed on 14 July 2010 in Nakivale Settlement Center; Mutoni, killed on 14 July 2010 in Nakivale Settlement Center; Nyirakamana Cecile, killed on 14 July 2010 in Nakivale Settlement Center; Mukamana (with her two children) who died following beatings by Ugandan Police while she (Mukamana) was trying to rescue her kids from a stampede on 14 July 2010 in Nakivale Settlement Center; Mugisha Silas, killed by Ugandan Police July 14, 2010 in Nakivale Settlement Center; Kanamugire Jean Paul, who died following floggings by Ugandan Police on 14 July 2010 in Nakivale Settlement Center; Dusingizimana Pacifique, killed on 14 July 2010 in Nakivale Settlement Center; Kimonyo who died following mutilation of his genitals by a razor wire, which makes up the fence around offices of UNHCR, on 14 July 2010 in Nakivale Settlement Center; and Hategekimana Jean Marie killed on 18 February 2010 in Kyangwali Settlement Center.

We are aware that your Excellency is intimately familiar with President Kagame's reprehensible record both in terms of Rwanda's internal governance and of the havoc that he has incessantly visited upon territories of neighboring states, with sometimes disastrous consequences for the population of those countries. We recall the true sentiments Your Excellency expressed in the letter that you wrote in 2001 to Hon. Clare Short, then British Secretary for International Development when you stated:

"We are beginning to interest ourselves in the internal mechanisms of the Rwanda army, which has never been our business. It is possibly this level of manpower that gives them the arrogance to think that they can interfere in the internal affairs of Uganda. This is in addition to the ideological bankruptcy of their leadership I have had occasion to mention to you."

Uganda, on account of both historical reasons and practical considerations, is the country through which most refugees fleeing Rwanda pass. States have a duty to protect and assist refugees fleeing from persecution.

Rwandan refugees are one of the highest risk groups among refugee communities in Africa, Mohammed Adar, head of the UNHCR in Kampala said. "Their record speaks for itself."

By putting this important and urgent matter on record, we write this letter:

1. To convey our profound concerns for the security of Rwandan refugees and asylum seekers in Uganda in general;
2. To request Your Excellency to immediately seek assurances from your Rwandan counterpart, President Paul Kagame, that Mutabazi, Rukundo, Ndayambaje, and other Rwandans who have been abducted from Uganda with the connivance of some officials of your government, will not be subject to torture and extra-judicial killings;
3. To request your government to undertake a credible investigations of the circumstances in which Mutabazi, Rukundo, Ndayambaje, and other Rwandan refugees who have been abducted from, or killed in, Uganda and to bring officials of the government of Uganda who are complicit in those crimes to justice;

4. To call upon the Government of Uganda to respect its solemn obligations under Ugandan and international law to protect Rwandan refugees and asylum seekers on its territory, especially those who are most vulnerable; and,
5. To request your Excellency to use the powers vested in your office to stop all further illegal renditions of Rwandan refugees and asylum seekers that are not approved by the courts through regular extradition proceedings

Please accept, Your Excellency, our highest considerations.

Sincerely,

Etienne Masozera,
President,
AmahoroPeople's Congress Canada

Dr Theogene Rudasingwa,
Coordinator
Rwanda National Congress
Washington DC
USA

Dr Nkiko Nsegimana,
Co-ordinator
FDU Inkingi
Lausanne
Switzerland

C.C

H.E. Joseph Kabila, President of the Democratic Republic of Congo
H.E. Jacob Zuma, President of the Republic of South Africa
H.E. Pierre Nkurunziza, President of Burundi
H.E. Jakaya Kikwete, President of the United Republic of Tanzania
H.E. Uhuru Kenyatta, President of the Republic of Kenya
All Members of Parliament, Parliament of Uganda
Hon. John Kerry, U.S. Secretary of State
Hon. William Hague, U.K. Foreign Secretary
All members of the United Nations Security Council
H.E. Dr. Nkosazana Dlamini Zuma, Chairperson, African Union
H.E. Kamallesh Sharma, Secretary-General of the Commonwealth
Mr. Ken Roth, Executive Secretary, Human Rights Watch
Mr. Salil Shetty, Secretary-General, Amnesty International
Ms. Navanethem Pillay, United Nations Human Rights Commissioner
Mr. Antonio Guterres, United Nations High Commissioner for Refugees

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