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No business of the military: unlawful, arbitrary detentions and ill-treatment of civilians in Mukamira military camp

In late September 1999 six civilian men were detained by soldiers of the Rwandese Patriotic Army (RPA) at Mukamira army camp in Ruhengeri *préfecture*, northwestern Rwanda. In the following days and weeks several of them were tortured and severely ill-treated by soldiers. One of the men, **Frodouald Ngaboyisonga**, later died of his injuries and other detainees experienced serious health problems as a result of the beatings. The case illustrates the practice of unlawful detention of civilians in military custody, often for extended periods, and the acts of torture and other forms of ill-treatment that detainees suffer at the hands of RPA soldiers.

The six men were all workers at the Nyabihu tea processing factory in Karago *commune*, Gisenyi *préfecture*, who had been accused of the theft of an engine from the factory on 24 September. They were arrested by the RPA even though there was apparently no evidence that the men had actually committed the crime, and in spite of the fact that the theft should clearly have been a matter for the Rwandese civilian authorities or the Gendarmerie to investigate.

The arrests were carried out on the morning of 28 September, when an RPA officer arrived at the factory and ordered five factory workers to take off their shoes and to remain seated on the ground. When asked by the factory's head of personnel to explain what was going on, the officer said that the five were under arrest in connection with the theft of the engine.

In addition to Frodouald Ngaboyisonga, a driver and mechanic in his late 30s, others arrested were **Jean-de-Dieu Hakizimana**, an assistant driver; **Gakezi**, a factory guard; **Jean-Bosco Byiringiru**, a machine operator; and **Thomas Ngarambe**, a driver and mechanic. The officer told the men that "even if they weren't the real thieves, they must be accomplices" since they had been working near the engine at the time it went missing. The officer threatened to have them killed if they failed to return the engine, whether they stole it or not. At one point the officer reportedly hit Frodouald Ngaboyisonga, who fell backwards from the force of the blow.

The five factory workers spent the rest of the day sitting outdoors, with their shoes off and without food. At about 6pm that evening the five suspects were taken by truck to Mukamira military camp. On 29 September, a sixth worker who had been absent the

previous day, **Cyridion Hakuzimana**, a driver for the director of the factory, was also arrested by the military and taken to Mukamira camp.

At Mukamira camp the men were beaten and ordered to confess to the theft. The ill-treatment was especially severe on the morning of 29 September, when the men were taken separately into an interrogation room and beaten. In at least one case the interrogation lasted for about two hours, during which time the detainee was beaten repeatedly with a whip and a bundle of sticks. The interrogating officer claimed that other people in the factory had accused the man of stealing the engine, but when the detainee asked the officer to bring these people to the camp so that he could confront them, the officer ignored his request. Although he insisted that he did not know where the engine was, his interrogator repeated that the workers should return the engine or face death. At one point, made desperate by pain, the detainee told the officer that he would prefer to die.

For much of his time in detention, this same detainee was held in a cell containing 11 other people, including two of his co-workers from the factory. Some of the detainees were being held in handcuffs. The detainee claims he was denied food for the first four days and was only given drinking water. After this time, his family was allowed to bring him food. He and his fellow inmates used a jerry can for a toilet. He alleges that he was interrogated every day and regularly beaten by different soldiers, including by the officer who had arrested the workers at the factory.

One of the six workers, Jean-Bosco Byiringiru, was released after two days, on 30 September. The other five were held in detention for nearly a month until their release on 25 October. No charges were brought against them and the appropriate civilian judicial authorities appear not to have been notified of their arrest or detention. At the time of their release the men were told that there was no evidence against them but that investigations were continuing. As the workers left the camp, soldiers threatened them again, saying that they would be taken to Ruhengeri "to die there".

After his release, **Frodouald Ngaboyisonga** was admitted to hospital in Ruhengeri suffering, according to witnesses, from internal injuries and a badly swollen body and face. On 11 November, a few days after leaving the hospital, **Frodouald Ngaboyisonga** died at his home in Byumba, apparently as a result of the beatings he received in Mukamira camp.

After his release, **Jean-de-Dieu Hakizimana** continued to have pains across his abdomen and in his arms, is unable to lift heavy objects, and still has difficulty going to the toilet. **Cyridion Hakuzimana** also experienced difficulty going to the toilet for several days after his release.

The stolen engine was later recovered in Kabaya and the Gendarmerie arrested a worker and a security guard at the factory. None of those originally detained by the military appear to have been involved in the theft.

Since October 1999 this case has been raised directly with the Rwandese authorities on at least three separate occasions. To date the authorities are not known to have taken action to investigate the case or to bring the offending military personnel to justice.

The director of the factory complained about the detentions to the regional commander who said that he had not been informed of the detentions. In a subsequent meeting with the director, at which the RPA commander of Mukamira camp was also present, the regional commander commented that the arrest by soldiers was illegal, that civilians should not be held in military prisons or be ill-treated, and that the offending soldiers should be brought to justice. The commander of Mukamira camp claimed he had been absent at the time of the arrests but knew that the men had been detained at Mukamira.

On 18 November 1999 Amnesty International delegates met with the Chief of Staff of the RPA, Brigadier General Kayumba Nyamwasa, in Kigali and raised this and other cases with him. Brigadier General Kayumba Nyamwasa acknowledged that the military should not investigate civilian cases and told Amnesty International that he would pursue the case and ensure that the soldiers responsible would be brought to account. On 19 November 1999 Amnesty International also raised the case in a meeting with Lieutenant-Colonel Andrew Rwigamba, the Chief Military Prosecutor, who agreed that the theft of equipment from civilian premises is not a matter for investigation by the army. He said that he could not condone the actions of the RPA in this case and told Amnesty International that he would investigate the case thoroughly. Amnesty International welcomed the commitments made by these two senior officials with direct responsibility for army matters. However, by January 2000, Amnesty International was not aware that any investigation into the events at Nyabihu and Mukamira military camp had been launched.

An unknown number of other civilians are reported to be unlawfully held in military custody at sites throughout Rwanda -- in military detention centres, barracks, or in unofficial locations. Ill-treatment and torture of detainees in military camps is common. Many of those held in military custody have not been charged or had their cases put to any form of judicial review. Since 1997, hundreds of people have "disappeared" in Rwanda, and while fewer "disappearances" were reported in 1999, the vast majority of cases remain unresolved. It is believed that some of the "disappeared" may be alive, held in military detention centres. In most cases it is impossible to verify the identity or exact number of those detained because the military authorities routinely deny access to relatives and to

human rights and humanitarian organizations, including the International Committee of the Red Cross.

As with other prisons and detention centres in Rwanda, the conditions in military detention centres in many cases amount to cruel, inhuman or degrading treatment or punishment. Former detainees in military sites have reported insanitary conditions and insufficient food and medical care. Given the combined effect of poor conditions, ill-treatment or the threat of violence, and the lack of access for independent agencies, Amnesty International is gravely concerned for the well-being of all those held in military custody in Rwanda.

Recommendations

Amnesty International calls on the Rwandese authorities to:

1. Conduct an immediate, independent and thorough investigation into the death of Frodouald Ngaboyisonga and acts of torture and other forms of ill-treatment, arbitrary arrest and unlawful detention committed by soldiers of Mukamira military camp, and bring the perpetrators to justice in accordance with international standards for fair trial and without recourse to the death penalty.
2. Compensate the victims or their families adequately for the human rights violations they have suffered.
3. Stop the practice of detaining civilians in military detention centres.
4. Allow families, lawyers and independent human rights and humanitarian organizations immediate and unrestricted access to all those held in custody in Rwanda.

KEYWORDS: MILITARY1 / TORTURE/ILL-TREATMENT1 / ARBITRARY ARREST / FACTORY WORKERS / DETENTION WITHOUT TRIAL

This report summarizes a 5-page document (1,679 words), *Rwanda - No business of the military: unlawful detentions and ill-treatment of civilians in Mukamira military camp* (AI Index: AFR 47/01/00) issued by Amnesty International in February 2000. Anyone wishing further details or to take action on this issue should consult the full document. An extensive range of our materials on this and other subjects is available at <http://www.amnesty.org> and Amnesty International news releases can be received by email: <http://www.amnesty.org/news/emailnws.htm>

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