

Network of Concerned Historians				NCH
Campaigns				
Year original	Year follow-up	Circular	Country	Names
1998		7	Rwanda	Philomène Mukabarali, college director

*Announcement:*

Here is an Urgent Action (consisting of three parts), issued by Amnesty International, regarding the Rwandese college director Philomene Mukabarali. She is charged, inter alia, with possessing leaflets which express support for the (pre-1959) monarchy of Rwanda (see part three).

### **URGENT ACTION APPEAL**

The following information is from Amnesty International's research headquarters in London, England. A.I. is an independent worldwide movement working for the international protection of human rights. It seeks the release of people detained because of their beliefs, color, sex, ethnic origin, language or religious creed, provided they have not used nor advocated violence. These are termed prisoners of conscience. It works for fair and prompt trials for all political prisoners and works on behalf of such people detained without charge or trial. It opposes the death penalty, extra-judicial executions (political killings), 'disappearances' and torture or other cruel, inhuman or degrading treatment or punishment of all prisoners without reservation. Please do not repost the information below to any part of the Internet without prior permission from Amnesty International. Thank you for your help with this appeal.

#### **UA 405/97 Fear of ill-treatment / Medical concern 22 December 1997**

#### **RWANDA Philomene Mukabarali (female), college director, aged 55**

Philomene Mukabarali, arrested in the capital Kigali on 19 December 1997, is feared to be at risk of ill-treatment in custody. Furthermore, she suffers from a serious health condition requiring regular specialized medical treatment, raising concern that her health could deteriorate in detention, as she was unable to take her medicines with her.

Philomene Mukabarali, director of a catering and tourism training college at Gikondo in Kigali, was arrested by a group of men - some of them wearing military uniform - who forced their way into her house in the commercial district of Kigali. Eight other people present at the time were also arrested; they

include Therese - a friend who works at the Ministry of Education -, Balthazar - a driver -, Ndagijimana - a domestic worker -, three workmen and two other visitors. The men who carried out the arrests searched the house and took various belongings, including personal documents.

On 20 December, Philomene Mukabarali was reportedly being held at Nyamirambo brigade in Kigali, but is since believed to have been transferred to the 'criminologie', a detention centre which comes under the jurisdiction of the Gendarmerie. By the morning of 22 December, she had reportedly not been allowed to receive any visits. The whereabouts of the eight other people are not known.

Philomene Mukabarali is married to Sylvestre Kamali, a former Rwandese diplomat and former president of the Gisenyi branch of the Mouvement democratique republicain (MDR), Republican Democratic Movement, the main opposition party in Rwanda before the current government came to power in July 1994. Sylvestre Kamali was among the first people to be arrested in July 1994 when the Rwandese Patriotic Front (RPF) formed the new government; he has been detained without trial ever since, on accusations of participation in the genocide in 1994. He and his family had also been subjected to attacks and threats under the previous government of Rwanda. Many relatives of Philomene Mukabarali - who is from the Tutsi ethnic group - were killed during the genocide.

On 17 December 1997, a relative and staff member of Philomene Mukabarali was led away by two soldiers when he went to Kigali Prison to take food to Sylvestre Kamali. The soldiers reportedly plunged his head in water for several minutes, then ordered him away and prevented him from delivering the food. The man had reportedly been beaten at least once before when visiting the prison to deliver food to Sylvestre Kamali. He has reportedly alleged that once in 1997, the same two soldiers offered to pay him 100,000 Rwandese francs to poison the food he was delivering to Sylvestre Kamali.

Philomene Mukabarali and other members of her family have been threatened several times in 1997. In February, five armed men in military uniform came to her training school. When they did not find her there, they beat three guards. During the next two days, she and college staff members received threats. Also in February, her daughter was arrested at the border between Uganda and Rwanda, then transferred to a detention centre in Kigali; she was later released.

## **Background Information**

It is estimated that there are more than 130,000 people currently detained in Rwanda on accusations of participation in the genocide, which claimed as many as one million lives in Rwanda between April and

July 1994. Trials began in December 1996. The vast majority of detainees have not yet been tried and many have not been formally charged. Some - such as Sylvestre Kamali - have been in prison for more than three years without trial.

Prison conditions in Rwanda often amount to cruel, inhuman or degrading treatment and have proved to be life-threatening, causing hundreds of deaths in custody as a result of serious overcrowding and lack of basic hygiene and medical facilities. Ill-treatment in the initial stages of detention is also common.

While many of those detained in Rwanda are probably guilty of participation in the genocide in 1994, it is widely believed that many others are innocent. Amnesty International has documented a pattern of arbitrary arrests in Rwanda since July 1994. Many individuals are arrested on the basis of unsubstantiated accusations of 'participation in genocide', without reference to any specific crime. The accusation of 'genocide' has often been used to imprison individuals for political and other motives, for example in the context of property disputes or to silence government critics. Relatives of prominent political figures have also been frequently harassed and many arrested.

### **Recommended Action:**

Please send telegrams/telexes/faxes/express/airmail letters:

- calling for the immediate release of Philomene Mukabarali, unless she is to be charged with a recognizably criminal offence;
- appealing for her to be given immediate access to a doctor and to medical treatment, without which her life could be at risk;
- calling for her place of detention and the reason for her arrest to be publicly disclosed and for her to be able to receive visits from her family and a lawyer;
- asking for assurances that she will not be ill-treated while in detention and that her safety will be guaranteed;
- expressing concern that Philomene Mukabarali and several of her relatives have been subjected to threats on several occasions in 1997 and calling for an end to the harassment of her family.

### **Appeals to:**

1. General Major Paul KAGAME:

Vice-President de la Republique et Ministre de la Defense

BP 23

Kigali, Rwanda

Dear Vice-President:

[Faxes: 011 250 72431; 76969]

[Telegrams: Vice-President, Kigali, Rwanda]

2. Colonel Marcel GATSINZI

Chef d'Etat-major de la Gendarmerie

BP 359

Kigali, Rwanda

Dear Colonel Gatsinzi:

[Faxes: 011 250 83559]

[Telegrams: Chef d'Etat-major Gendarmerie, Kigali, Rwanda]

3. Faustin NTEZILYAYO

Ministre de la Justice

Ministere de la Justice

BP 160

Kigali, Rwanda

Dear Minister:

[Faxes: 011 250 86509]

[Telegrams: Ministre Justice, Kigali, Rwanda]

**Copies to:**

Ambassador Theogene N. Rudasingwa

Embassy of the Republic of Rwanda  
1714 New Hampshire Ave. NW  
Washington DC 20009

## **FIRST FOLLOW-UP TO UA 405/97 ON RWANDA**

6 January 1998

Further information on UA 405/97 issued 22 December 1997

Fear of ill-treatment / medical concern

## **RWANDA**

### **Philomene Mukabarali**

Philomene Mukabarali is still in detention at the 'criminologie', a detention centre in the capital Kigali, which comes under the jurisdiction of the Gendarmerie. She is now able to receive visitors, who have been allowed to bring her medicines. However, she has reportedly still not been examined by a doctor. There are continuing fears for her physical and psychological health.

A few days after her arrest on 19 December 1997, soldiers reportedly returned to Philomene Mukabarali's house. They questioned an elderly domestic worker there about his relationship with the family and asked him why he had remained in the house.

On 31 December, at least five of the people who had been arrested with Philomene Mukabarali on 19 December were released. There are unconfirmed reports that several of them had been beaten in detention and required medical treatment. The domestic worker Ndagijimana is among those who remain in detention.

Those released were reportedly questioned by military officials about whether there were arms or interahamwe militiamen in Philomene Mukabarali's home. They denied these allegations.

## **FURTHER RECOMMENDED ACTION:**

Please send telegrams/telexes/faxes/express/ airmail letters:

- welcoming the fact that Philomene Mukabarali has been allowed to receive visits and to take her medicines, but expressing continuing concern for her physical and psychological health in detention;
- appealing for her to be given immediate access to a doctor;
- calling for her immediate and unconditional release, unless she is to be charged with a recognizably criminal offence.

**APPEALS TO:**

1. General Major Paul KAGAME [see above]
2. Colonel Marcel GATSINZI [see above]
3. Faustin NTEZILYAYO [see above]

4. Madame Aloysie INYUMBA

Ministre de la Famille, de la Promotion feminine et des Affaires sociales  
Ministere de la Famille, de la Promotion feminine et des Affaires sociales  
BP 1413  
Kigali, Rwanda

Dear Minister:

Faxes: 011 250 77543

Telegrams: Ministre Famille, Kigali, Rwanda

**COPIES TO:**

- Ambassador Theogene N. Rudasingwa [see above]

**SECOND FOLLOW-UP TO UA 405/97 ON RWANDA**

14 January 1998

Further information on UA 405/97 issued 22 December 1997 and re-issued 6 January 1998

Fear of ill-treatment / medical concern

## **RWANDA**

### **Philomene Mukabarali**

On 8 January 1998, Philomene Mukabarali was transferred from the detention centre known as the 'criminologie' to Kigali Central Prison, where she is currently detained. Her transfer to the central prison would appear to indicate that the authorities do not intend to release her in the near future.

There are continuing concerns for Philomene Mukabarali's health in Kigali Central Prison, where prisoners are detained in appalling conditions. Her poor health is likely to be further affected by the serious overcrowding, poor facilities and shortage of food which characterize most prisons and detention centres in Rwanda.

Philomene Mukabarali has reportedly been charged with endangering the security of the state, under Article 166, Section II of the Rwandese Penal Code, which includes the distribution of materials likely to incite the population against the state. It is believed that this charge relates to the possession of leaflets, allegedly found in her home at the time of her arrest, which express support for the monarchy of Rwanda. Philomene Mukabarali is a member of an organization known as Abatangana ('those who do not hate each other'), which organizes cultural activities, including traditional songs and dances, with the objective of promoting reconciliation. Some of its activities refer to the history of Rwanda before 1959, when it was ruled by a monarchy. It is reported that people expressing open support for the restoration of the monarchy in Rwanda may be viewed as a political threat by some elements in the current republican government.

The charge reportedly also relates to a bullet-proof vest allegedly found in Philomene Mukabarali's house. The vest had been bought in 1993 for her husband Sylvestre Kamali after he had narrowly escaped several attacks, under the previous government of Rwanda.

Amnesty International has received reports of further ill-treatment and abuse against relatives and acquaintances of the Kamali family who attempted to visit Sylvestre Kamali in Kigali Prison recently. The relative who had been ill-treated by soldiers at Kigali Prison on 17 December (Urgent Action 405/97) was reportedly beaten by soldiers again on 3 January as he tried to deliver food for Sylvestre Kamali. He was reportedly detained overnight and released on 4 January 1998. Another acquaintance who tried to leave food for Sylvestre Kamali on 25 December was reportedly told by a soldier at the prison that Sylvestre Kamali was no longer among the prisoners entitled to receive food from visitors. The soldier then reportedly slapped the visitor and ordered him to take the food away. Subsequently

another visitor was allowed to leave food for Sylvestre Kamali but was not able to see him.

**FURTHER RECOMMENDED ACTION:**

Please send telegrams/telexes/faxes/express/ airmail letters:

- expressing continuing concern for Philomene Mukabarali's health which is likely to deteriorate further if she is detained for a prolonged period in poor conditions such as those which prevail in Kigali Central Prison;
- asking for assurances that she will be guaranteed access to a doctor, to a lawyer and to visits from her family;
- asking for confirmation of the charges against her and expressing concern that she appears to have been detained solely for the possession of documents which apparently do not advocate violence;
- urging the authorities to release Philomene Mukabarali if she has neither advocated nor used violence in support of her opinions.

If possible, also:

- asking the authorities to investigate reports that visitors who attempted to deliver food to Philomene Mukabarali's husband Sylvestre Kamali in December 1997 and January 1998 were ill-treated by soldiers at Kigali Central Prison; asking them to remove those responsible from their duties at the prison and to ensure that visitors are allowed to deliver food to prisoners without fear of ill-treatment.

**APPEALS TO:**

1. General Major Paul KAGAME [see above]
2. Faustin NTEZILYAYO [see above]
3. Madame Aloysie INYUMBA [see above]

**COPIES TO:**

Ambassador Theogene N. Rudasingwa [see above]

Please send appeals immediately.

Check with NCH if sending appeals after February 25, 1998.