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BENJAMIN RUTABANA MUST BE RELEASED UNCONDITIONALLY

International Relief and Human Rights Initiative (IRHRI) is a United States based Non-Governmental Human Rights Organization; with Head Offices in Spokane, Washington.

IRHRI already has programs running in East Africa and the entire Great Lakes Region of Africa and our core value is to benefit communities by focusing on, and ensuring that the human rights of all groups of people are respected and defended.

In this regard, IRHRI received a complaint pertaining **MR BENJAMIN RUTABANA**, a French citizen, from his family for assistance in locating him after he went missing in September, 2019.

IRHRI immediately launched an investigation into the matter and was able to establish as follows: Mr Rutabana, using passport number 16DA52086, left Brussels, Belgium on September 4, 2019 at 21:45 in an Emirates Airlines flight, had a stopover at Dubai International Airport, United Arab Emirates, before proceeding and landed at Entebbe International Airport in Uganda on September 5, 2019 at 13:50. He stayed in regular telephone contact with Mrs Diane Rutabana, his spouse, between September 5 and 8, 2019, but never again since then.

Mr Rutabana's return ticket displays September 19, 2019 at 21:30 Kampala time using the same Emirates Airlines and would be in Brussels on September 20, 2019 at 13:25. Unfortunately for some unexplained reasons, Mr Rutabana never boarded that flight, and contrary to his usual practice, he failed to contact his spouse informing her of any delays or change of programme, and all calls to his telephone went unanswered.

IRHRI learnt that a few days after his arrival in Uganda (September 8, 2019), Mr Rutabana was arrested and held at Chieftaincy of Military Intelligence (CMI) offices in Mbuya and later at Internal Security Organisation (ISO) for interrogation to establish the purpose of his visit to Uganda.

IRHRI entirely acknowledges the complex role of security agencies to uphold and maintain security within the barriers they operate, and applauds Ugandan security forces for their endeavors aimed at keeping the country safe. However, IRHRI believes that the arrest was based on misinformation that portrayed Mr Rutabana as having ulterior motives over his visit to Uganda.

IRHRI engaged the law firm of Mushabe, Munungu & Co. Advocates based in Kampala, Uganda to advocate for the release of Mr Rutabana. The firm filed an application dated February 12, 2020 to have Mr Rutabana unconditionally released. Upon receiving the application, Justice Esta Nambayo of the High Court in Kampala ordered various government agencies being; CMI, ISO, Uganda Police Force (UPF), Directorate of Criminal Investigation (CID), Commandant Special Investigation Bureau (SIB) and the Attorney General to produce the body of Mr Rutabana in court on February 19, 2020.

Dr David Mushabe, the counsel representing IRHRI and the family of Mr Rutabana appeared in court together with a dedicated Principal Government Attorney from the Attorney General's chambers. The Government Attorney explained to the court the tireless efforts the state had put in to ensure that Mr Rutabana is released and reunited with his family in Belgium. He explained that given the bureaucracies involved in getting to the root of the matter and in order for the Ugandan government to deter any such happenings in the future, the government needed slightly more time before Mr Rutabana could be released and reunited with his family in Belgium.

After deliberations by the court and counsel representing IRHRI, the court directed that the matter be postponed to February 27, 2020 when the various government agencies would be expected to present Mr Rutabana in court.

However, during the session of February 27, 2020, Mr Brian Musota, the Principal State Attorney revealed to court that he was unable to find Rutabana in custody of any of the Ugandan security agencies after engaging various heads of these agencies. It was during this court session that it was agreed that Rutabana's whereabouts be discovered using diplomatic means.

Dr. David Mushabe was quoted as saying: *“What we know is that Rutabana landed in Uganda and there is no record of his departure from Uganda since then, and he has never been seen by any of his family members. So if the security agencies say they don't have him, then diplomatic means between Uganda and France shall be exhausted to find him. I want to thank security agencies for complying with court orders.”*

Further efforts

IRHRI did not sit back and relax, but continued the hunt and since then, more concrete information has been exposed by officers from within security agencies revealing that Mr Rutabana is still within Uganda. All our informants are ready to testify in court in case they are called upon. One of the sources who voluntarily gave us the information, said that Mr Rutabana is in a secret CMI custody in upper Mbuya, in good healthy but no one is allowed to see him. He said that Mr Rutabana is being detained with more than 20 Rwandan nationals, but treated differently and tactically from others.

“With evidence like a voice recording and or a video or photo, it's the hardest thing and most risky step one would take. Mr Rutabana is already under the CMI custody well protected under tight security. Even if you are a Colonel or a General you cannot enter there with any kind of a gadget. He is in 3rd brocade gate Upper Mbuya CMI3,” the source revealed to us.

IRHRI investigations discovered that a section of selfish people from the Rwanda National Congress (RNC) led by Faustin Kayumba Nyamwasa, are behind Rutabana's arrest and detention. We found out that these people received a lot of money from Mr Rutabana, being a tycoon, in return for some favors; but they plotted to swindle the money and put him in trouble such that he lacks the ground to claim it, leaving them to enjoy the money freely.

We have discovered that there were misunderstandings between Rutabana, Nyamwasa and some other colleagues in their political party, RNC. They connived to portray Mr Rutabana as subversive and upon landing in Uganda, he was treated as a terrorist just because of misinformation from these people to security agencies.

The connivance between the RNC and some of the top security officials in Uganda is the one making him not accessible even by the lawyer. Nyamwasa and the group think that Mr Rutabana wanted to start up his own rebel group and channel the funds, that's why he is being kept and guarded like this.

IRHRI contacted the CMI boss, but he personally denied any knowledge about Rutabana's arrest and detention, saying whoever gave us the information was an enemy of the government and was trying to divert us.

"We have never arrested Rutabana as far as am concerned, even if am out of the country am always informed of any operation. We use a gazetted prison for all categories of prisoners apart from interviews in some cases. Why would Rutabana be of interest to the extent of isolation for that long when he's not a terrorist? But even high profile terrorists are quickly interviewed and taken to court. I will make a follow-up on this matter ASAP," he promised.

The CMI boss was, however, suspicious that a section of people from a sister security agency might be behind the rumors and said that an ISO operative he only identified as Odong could be the mastermind of Rutabana's disappearance.

"When you get to know the truth, that's when will be hurt. I have a name to protect I have no reason to tell lies at my age. Why should I get involved in dirty games when I handle more important assignments at a strategic level? Suppose you were the one being accused or your organisation of kidnapping someone falsely how would you feel? I have created time to explain to you that there's no any reason or interest why we should keep that man. Above all we don't even have power to do it. Try to engage any other official who will respond like me and revert to me if you will ever get one. I know they've been

trying to destroy one my hard working and trusted officer Col. CK. Asimwe hope it's not someone called Odong from ISO who gave you the information if am not mistaken?" CMI boss told IRHRI

"Yes am aware, it's good you got information. Am sure you know that Uganda had no hand in this case. Like you stated earlier, there are people trying to tarnish the image of our country. In this case, I think Rutabana was tricked or betrayed," he added.

Going by this, Mr Rutabana was not arrested on orders of known government officials, but his arrest is an arrangement between Nyamwasa's group and individual state security mafia that made him to be where he is currently.

IRHRI found out that these individuals for long had been intimidating and threatening Mr Rutabana never to step in Uganda again or else his life would be in trouble. The same people reached an extent of threatening some family members and leaders of the IRHRI saying that if we do not stop following up the case, they would influence the closure of our organization offices in Uganda.

However, IRHRI is still mindful that something must be done so urgently in order to protect and defend the rights of voiceless people like Mr Rutabana and others in need especially Rwandan descendants.

Sources informed IRHRI that the government of Rwanda through its Embassy in Uganda, after learning of Mr Rutabana's arrest, has shown a suspicious interest in him as a high profile RNC's Commissioner for Capacity Development. Rutabana got misunderstandings with Nyamwasa over RNC leadership after the death of rebels, who were crashed by Rwandan soldiers in the DRC in June 2019 and those who survived were captured and taken to Rwanda, where they are still detained up to now.

The Republic of Rwanda and the Republic of Uganda recently signed the Extradition Treaty during Fourth Quadripartite Summit between Heads of States and Governments of Angola, Democratic Republic of Congo (DRC), Republic of Uganda and the Republic of Rwanda. IRHRI welcomes

the release of prisoners from both sides and the guarantee to continue this process in observance of the Rule of Law and the International Humanitarian Law, but is mindful that the treaty can be wrongly used by the political and security mafia groups pursuing personal interests. Rwandan government might take an advantage of this treaty in order to persecute and violate the rights of some targeted individuals with Rwandan origin whom they consider as critics and enemies of Rwanda.

IRHRI has discovered that there are ongoing negotiations between Rwandan and Ugandan governments that in order to improve their bilateral relations and reopen the border between the two countries, about 130 Rwandan prisoners in Uganda have to be deported and handed over to the authorities in Rwanda. This is a ploy by Rwanda to have their opponents crushed, and IRHRI condemns such an arrangement.

IRHRI has also established that there is an underground arrangement between some Rwandan top security operatives through their Embassy in Uganda and some individual high ranking officials in Uganda to falsely brand and frame Mr Rutabana of being a terrorist and a rebel against Kigali regime thus handing him over together with the other prisoners in Uganda to the authorities in Rwanda in return for big amounts of money from Rwandan government.

IRHRI and the family of Mr Rutabana, are not happy seeing some individuals trying to tarnish the good image of Uganda, because of their personal interests while deceiving, committing crimes and making mistakes as we have clearly mentioned above.

IRHRI has been receiving reports indicating that there are many cases of human rights violation in Rwanda. We can mention a much known case of abduction and killing of Mr Kizito Mihigo, a famous Rwandan catholic gospel musician, which took place in Rwanda in February 2020.

Although it was said that he committed a suicide inside the security custody, there was no independent investigations done in order to establish what exactly happened and seek for justice in that case and other cases of human rights violation of people that have died under unclear circumstances in Rwanda. He was also the founder of Kizito Mihigo Foundation for peace, but he

was politically considered as critic of the government of Rwanda. He was imprisoned, released, later abducted and murdered inside security service custody in Rwanda.

It is known worldwide how the security operatives in Rwanda have gone far in fabricating and framing cases against Rwandan political opponents. It is in this regards that our organization has requested the office of the President of the Republic of Uganda to review that treaty in order to provide adequate protection to all law abiding people while living in Uganda.

IRHRI assures everyone that we shall not entertain those political and intelligence games by selfish individuals who are involved in evil and unprofessional practices of tricking, betraying and selling people like Mr Rutabana in a high level corruption scandal

With the concrete information we have gathered and with our witnesses, IRHRI through its lawyers, is preparing to file another application in court compelling whoever is holding Mr Rutabana to release him unconditionally so that he reunites with his family in Belgium. In this suit, new government institutions including the Department of Immigration and some individual security officers will be required to appear in court and give their individual accounts of what they really know about Mr Rutabana's case.

We also call upon the French Embassy in Uganda to come out and talk about the rights of its missing citizen as one of the diplomatic means to secure him from the hands of evil and corrupt people who can potentially harm him in one way or another.

We have so far wrote letters to the United States and United Kingdom ambassadors to the United Nations supporting their positions over Rwanda Genocide which claimed lives of more than 800,000 Tutsis and a moderate number of Hutus in between 1990 and 1994. The Hutus and Tutsis who were killed were not recognized for many years after the Tutsi-led Rwandan Patriotic Front (RPF) took over power in 1994. For the 26 years, RPF has used genocide as a political weapon against its opponents most of whom are the Hutus.

We also wrote to the President of United States expressing our feelings regarding Rwandan genocide and the human rights violations still taking place in Rwanda; and appreciating the United States contribution in Africa mostly the Great Lakes Countries. We requested him to use

the US position in United Nations to encourage other UN member states to consider this UN Mapping Report.

Meanwhile, we want to take this opportunity to thank the organizations and individuals that have put up a spirited fight for the rights of Mr Rutabana and others whose rights are violated. Special mention goes to the US Embassy in Kampala, French Embassy, Human Rights Watch, the Red Cross Uganda, Office of the United Nations High Commissioner for Human Rights, Uganda Human Rights Commission and European Union Delegation in Uganda.

We also want to thank HE President Yoweri Kaguta Museveni, Foreign Affairs Ministry, Internal Affairs Ministry, Office of the Attorney General and the entire Justice System of Uganda, Heads of the Security Agencies and the entirety of what comprises the Office of the President; who have on uncountable occasions assured us and the family of Mr Rutabana that they will ensure his security from wherever he is being held until when he is reunited with his family in Belgium.

This is indeed an overwhelming demonstration of a country dedicated to respecting the rights of not only its citizens but also the rights of their visitors, thereby enhancing democracy and the rule of law.

We can't thank you enough.

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