

PUBLIC

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Fear of ill-treatment and torture

BURUNDI

At least 18 people detained in Makamba gendarmerie including:

Benoit Bigirimana (m), trader

Dieudonné Harerimana (m)

Elias Kabura (m), baker

Saidi Manirakiza (m)

Samuel Mbazumutima (m), garage attendant

Onésphore Ndayitwayeko (m), trader from Kayogoro, Makamba province

Luc Ndikuriyo (m); Pétronile Banyekazo (f), wife of Luc Ndikuriyo; and their children Niyokwizigira (m), aged 15; and a two-year-old infant (gender unknown)

Nduwayo (m), trader from Mabanda, Makamba province

Vital Niyonguro (m)

Soulemane Nikoyagize (m), taxi driver

Freddy Nisubire (m), pharmacist

Elisa Ntakiyanira (m) and his worker, Piri (m)

Toto (m), electrician

Arias Wakya (m)

At least 18 people held in detention in Makamba gendarmerie, southern Burundi, are at risk of torture or ill-treatment. Their number includes a 15-year-old youth and a two-year old infant.

The arrests reportedly took place on the basis of phone conversations members of the group are alleged to have had with members of the *Conseil national pour la défense de la Démocratie – Forces nationales pour la Défense de la Démocratie* (CNDD-FDD Nkurunziza), an armed political group. Others alleged to have called certain CNDD-FDD telephone numbers have fled, and the local prosecutor has reportedly said that the arrests will continue.

Most of the arrests are reported to have taken place in or around Makamba town between 24 June and 22 July. One of the first to be arrested, Saidi Manirakiza, was reportedly badly beaten. Pétronile Banyekazo and her two children, aged 15 and two, are reportedly being detained in the same cell as approximately 30 men. Human rights groups have appealed to the prosecutor to have them held in a separate cell. Vital Niyonguro is alleged to be an active member of the CNDD-FDD (Nkurunziza).

No one has been allowed to visit any of the detainees since their arrest. Torture and ill-treatment are rife in Burundi in particular during the early stages of detention and during questioning, and it is believed that the detainees are held in overcrowded conditions.

Under Burundian law, arrests must be carried out between certain daylight hours and by designated officials with an official warrant. These principles which are designed to protect people from abuses such as torture, arbitrary arrest and “disappearance” appear not to have been respected. Some of those arrested were arrested at 3 a.m. by members of the armed forces, causing panic in their neighbourhoods. Others were reportedly arrested by individuals in military fatigues, rather than by police officers. At least two of those mentioned were allegedly arrested without warrants, and two were asked to pay large sums to the district commanders.

BACKGROUND INFORMATION

Torture and ill-treatment are routine in the early stages of detention in Burundi. The problem is particularly acute in military and para-military (Gendarmerie) detention, particularly as people are often held incommunicado in illegal places of detention and/or access to families, and human rights and humanitarian organizations denied. People suspected of links with armed opposition groups are particularly vulnerable and are systematically subjected to beatings, tied in excruciating positions for long periods, stabbed, threatened with death and deprived of food. Some detainees "disappear" after their arrest. Some reappear days, weeks or months later. Tracing them is hampered by deliberate obstruction from the part of those detaining them who may repeatedly transfer them from one place of detention to another, denying access to family members and human rights groups. In other cases, the "disappeared" are simply executed and the bodies disposed of.

In December 2002 a cease-fire agreement was signed between the Government of Burundi and the CNDD-FDD (Nkurunziza). Both sides have repeatedly violated it however and since December conflict and human rights abuses attributed to both parties have escalated. Following a regional heads of state summit in Dar es Salaam, Tanzania on 20 July, both parties reaffirmed their commitment to the agreement and to negotiating outstanding issues aimed at resolving the conflict.

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

- calling for assurances that all those named above (please give names) are protected from ill-treatment and torture, and allowed immediate and continued access to their families, medical care, legal assistance and humanitarian and human rights organizations;
- urging in particular that women and children are held in facilities separate from men;
- expressing concern that arrests appear not to have been carried out in accordance with the law and seeking assurances that any further arrests will be lawful;
- calling for all those arrested to be promptly charged with a recognized criminal offence for which there is substantiating evidence warranting their detention or to be promptly and unconditionally released.

APPEALS TO: (Please note, fax numbers can be difficult to obtain. Please keep trying. Please also check whether postal services are functioning to Burundi from your country)

Commander of Makamba District Gendarmerie:

Commander Salvatore

Salutation: Monsieur le Commandant / Dear Commander

Faxes: + 257 27 00 03 or + 257 50 81 13 (if someone answers, say "La ligne de faxe, s'il vous plat)

Minister of Defence

Général-Major Vincent NIYUNGEKO

Ministre de la Défense nationale

Ministère de la Défense nationale, Bujumbura, Burundi

Salutation: Monsieur le Ministre / Dear Minister

Faxes: +257 24 78 20

Telegrams: Ministre défense, Bujumbura, Burundi

Minister of Justice:

Monsieur Fulgence DWIMA BAKANA,

Ministre de la Justice et Garde des Sceaux

Ministère de la Justice, Bujumbura, Burundi

Salutation: Monsieur le Ministre / Dear Minister

Faxes: +257 21 86 10

Telegrams: Ministre Justice, Bujumbura, Burundi

President:

Son Excellence

Monsieur Domitien NDAYIZEYE,

Président de la République

La Présidence

Burundi

Salutation: Monsieur le Président de la République / Your Excellency

Faxes: + 257 22 26 70

Telegrams: President, Présidence, Bujumbura, Burundi

COPIES TO:

Minister of Human Rights:

Monsieur Alphonse BARANCIRA,

Ministre des Droits de la Personne humaine, des Réformes institutionnelles et des Relations avec l'Assemblée nationale, Ministère des Droits de la Personne humaine, Bujumbura, Burundi.

Fax: 257 21 75 49

and to diplomatic representatives of BURUNDI accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 5 September 2003.