

Military Prosecutor

Lt-Col. Etienne SINDIHERA

Auditeur militaire

Ministère de la Défense Nationale

BUJUMBURA

Burundi

Fax: +257 22 39 59 / 22 71 05

Minister of Justice

Monsieur Téreence

SINUNGURUZA

Ministre de la Justice et

Garde des sceaux

Ministère de la Justice

BP 1880 BUJUMBURA

Burundi

Fax: +257 22 21 48

and to Burundi's diplomatic representative in your own country. Call for Diomède Buyoya's death in BSR custody to be fully investigated, for the perpetrator to be brought to justice, and for Diomède Buyoya's family to receive adequate compensation for his death.

Express concern that people in gendarmerie and military custody in Burundi are routinely subjected to torture or ill-treatment after being taken into custody.

Point out that torture persists in Burundi only because the government has failed to take simple and positive steps to end these human rights violations. Urge the government to:

Send a clear message to torturers by investigating all credible reports of torture and ill-treatment and bringing the perpetrators to justice;

Allow access to all prisons and detention centres by human rights and humanitarian organizations, by family members and lawyers of the detainees;

Introduce regular independent inspections of all detention facilities in Burundi to ensure that detainees' human rights are being respected.

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**"BREAKING THE LONG SILENCE": TORTURE IN
BURUNDI**

On 13 February 2000 Diomède Buyoya was killed in the cells of the *Brigade spéciale de recherche* (BSR), the gendarmerie Special Investigation Unit, in Burundi's capital, Bujumbura. Diomède Buyoya was a domestic worker in the household of a BSR officer.

On 12 February this officer brought Diomède Buyoya to the BSR after he had reportedly insulted the officer's wife. There the officer beat Diomède Buyoya to death. Witnesses who later saw Diomède Buyoya's body in a hospital mortuary, where this photograph was taken, said that his corpse bore signs of torture and that his neck in particular was bruised and badly swollen.

The gendarmerie officer believed to be responsible for Diomède Buyoya's death was arrested and charged. However, he was released after the charges against him were withdrawn and he has since returned to duty. The military justice authorities have not explained why the charges were dropped. No further investigation into Diomède Buyoya's death in custody has taken place.

Amnesty International has frequently expressed concern for the safety of detainees in police, gendarmerie and military custody in Burundi, who are routinely subjected to torture, sometimes to



the point of death. People accused of collaboration with armed opposition groups are particularly at risk. Torture methods include severe and prolonged beatings with electric cables, sticks, or with heavy implements on the joints, the soles of the feet and the genitals, tying the victim in excruciating positions and use of electric current. Death threats and other forms of psychological abuse are also common. Security force members are rarely prosecuted for acts of torture or ill-treatment.

Diomède Buyoya might easily have become one of Burundi's many "disappeared" had it not been for the prompt intervention of the human rights group, the Association Burundaise pour la Défense des Droits des Prisonniers (ABDP), Burundian Association for the Defence of Prisoners' Rights. Receiving a report of Diomède Buyoya's death, ABDP representatives visited the BSR and succeeded in removing Diomède Buyoya's body to a public mortuary. It is likely that the ABDP's courageous action saved Diomède Buyoya's corpse from hurried disposal in an unmarked grave and his family from a lifetime of uncertainty about his fate. Following these events, the ABDP issued a press release documenting Diomède Buyoya's death and appealing to the Burundian authorities to investigate the crime.

A number of matching statements have been collected about acts of torture inflicted at night on detainees at the headquarters of the Bujumbura [gendarmérie] intervention group, located in the heart of a well-to-do and peaceful district of Bujumbura. According to these testimonies, at around the same hours, the night is filled with the screams of people being beaten. Later on in the night, the noises heard by witnesses seem to be those of an object striking a body which no longer cries out.

«ITEKA» Burundian Human Rights League annual report 1999.

The campaign against torture is central to the work both of the ABDP and of the «ITEKA» Burundian Human Rights League . In June 2000 the ABDP organized a

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"day of reflection" (journée de réflexion) on the struggle against torture as part of its effort to break what it calls "the long silence" on the issue of torture in Burundi. The event brought together civil society activists, members of the government and National Assembly, and police and gendarmerie officials to discuss and propose measures to end torture in Burundi. The participants adopted a number of recommendations which the authorities are being urged to implement.

In 1998, as a result of a public campaign by «ITEKA», one notorious gendarmerie detention centre in Bujumbura's central market place came under improved scrutiny. Regular inspections of the detention centre by judicial authorities were introduced, regulations governing the maximum period of preventive detention enforced and a register of detainees maintained. These simple but effective improvements were abandoned within a few weeks, but demonstrated that with sufficient political will a dramatic reduction in the incidence of torture in Burundi is possible. «ITEKA» has followed numerous cases of torture, intervening to protect and in some cases providing medical care to victims.

DON'T LET DIOMEDE BUYOYA BE FORGOTTEN. PLEASE SUPPORT THE ABDP AND «ITEKA» IN THEIR CAMPAIGN AGAINST TORTURE

Please write to:

President

Major Pierre BUYOYA
Président de la République

Présidence de la République

BP 1870 BUJUMBURA
Burundi

Minister of Defence

Colonel Cyrille NDAYIRUKIYE
Ministre de la Défense
Nationale

Ministère de la Défense
Nationale

BUJUMBURA
Burundi

For letters to the Burundi government, please welcome the recent improvements in conditions in some of Burundi's prisons, but urge them to do more to fulfil Burundi's obligations under international standards by:

ensuring that no prisoner or detainee is subject to cruel, inhuman and degrading treatment or punishment, either through torture or ill-treatment, or through life-threatening conditions in prisons and detention centres;

ensuring that all prisoners and detainees are provided with clean drinking water and adequate food, accommodation, sanitation and access to medical care, in line with the UN Minimum Standard Rules for the Treatment of Prisoners;

ensuring that human rights and humanitarian organizations have access to all places of detention;

easing overcrowding by releasing detainees against whom there is no evidence or for whom no case-file exists, and those who are entitled to conditional release.

Please inform the government authorities that you are also writing to your own government asking them to support NGO and governmental efforts to improve conditions of detention in Burundi.

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BURUNDI: HARSH PRISON CONDITIONS

Conditions in many of Burundi's prisons and detention centres are harsh and in some cases amount to cruel, inhuman and degrading treatment. Some are dangerously overcrowded and unsanitary. Burundi's 11 central prisons were built to house around 3,500 prisoners, but the present prison population numbers over 9,000. Medical

Until recently, the harsh prison conditions faced by more than 200 death row prisoners held at Mpimba central prison were of particular concern. These prisoners, virtually all of whom were sentenced to death after woefully unfair trials, shared three "punishment" cells, each measuring only a few metres square and where prisoners were forced to sleep in shifts or piled one on top of the other. In July 2000, thanks to campaigning by the ABDP and others, these prisoners were moved into a much larger communal cell and now have free access to outdoor space.

care is often inadequate, prison food insufficient and access to clean drinking water is not always guaranteed.

In addition to the official population of Burundi's central prisons, an unknown but large number of detainees are

Conditions in the majority of the central prisons have improved substantially over the last 12 months, as a result of efforts by independent national organizations, the *Association Burundaise pour la Défense des Droits des Prisonniers* (ABDP), Burundian Association for the Defence of Prisoners' Rights, and the «ITEKA» Burundian Human Rights League, as well as by international organizations such as the International Committee of the Red Cross. Their interventions have led to improved hygiene in prisons, access to water and medical care, which resulted last year in a dramatic reduction in the death rate in Burundi's prisons.

For their own part, the Burundian authorities have recently shown a willingness to improve conditions, although they acknowledge that much remains to be done if Burundi's prisons and detention centres are to be improved to international minimum standards. However, financial resources are lacking and with the Burundian economy in ruins are unlikely to be found in the near future.

The ABDP is active in trying to alleviate the worst prison conditions, in providing legal assistance to detainees and in exposing cases of torture and

held in numerous "cachots" (communal detention centres), "brigades" (gendarmierie detention centres) and military detention sites throughout Burundi. Conditions in these sites are much worse and detainees are very vulnerable to torture and ill-treatment. Lack of access by relatives also means that detainees may be deprived -- deliberately -- of food. One refugee who returned from Tanzania in early 2000 is reported to have died of starvation in the brigade at Gisagara in Cankuzo province.

ill-treatment in detention. The ABDP undertakes regular prison visits, arranges provision of essential medicines to prison dispensaries, and undertakes activities designed to improve the moral, physical and intellectual welfare of prisoners. «ITEKA» has also lobbied for improvements in prison conditions and itself provides some medical assistance, as well as taking on prisoner cases and documenting prison statistics.

This year, the ABDP is continuing with an expanded medical assistance project, "Projet Assistance Médicale aux Prisonniers du Burundi", which will allow the purchase and distribution of essential medical supplies, and the provision of specialist medical care and examinations that cannot be performed by the prison services.

PLEASE HELP THE ABDP AND «ITEKA» IMPROVE CONDITIONS IN BURUNDI'S PRISONS AND DETENTION CENTRES

Please write to:

Minister of Justice
Monsieur Térance SINUNGURUZA
Ministre de la Justice et Garde des sceaux
Ministère de la Justice
BP 1880 BUJUMBURA

Burundi
Fax: +257 22 21 48

Minister of Defence

Colonel Cyrille NDAYIRUKIYE
Ministre de la Défense Nationale
Ministère de la Défense Nationale
BP 1870 BUJUMBURA
Burundi
Fax: +257 22 39 59 / 22 71 05

Minister for Human Rights

Monsieur Eugène NINDORERA
Ministre des Droits de la Personne Humaine, des Réformes institutionnelles et des Relations avec l'Assemblée nationale
Minister for Human Rights
Monsieur Eugène NINDORERA
Ministre des Droits de la Personne Humaine, des Réformes institutionnelles et des Relations avec l'Assemblée nationale
Ministère des Réformes institutionnelles
BP 6802 BUJUMBURA, Burundi
Fax: +257 21 75 49

Urge the Ministers to:

- strengthen the Burundian justice system and judiciary to enable it to operate with competence, impartiality and independence;
- commit themselves to investigating fully all human rights abuses committed now and during the transitional period before a new government is elected;
- commit to measures to hold perpetrators (whether from government or opposition forces) of past human rights abuses in Burundi to account;
- offer all necessary support, assistance and protection to national independent human rights organizations in their work to promote respect for human rights in Burundi.

Please also write to the Minister for Foreign Affairs or Minister for International Development in your own country. Please ask your government to:

- support and give assistance to efforts to reform the Burundian justice system to enable it to operate with competence and independence;

Ministère des Réformes institutionnelles
BP 6802 BUJUMBURA
Burundi
Fax: +257 21 75 49

and to Burundi's diplomatic representative in your own country.

Please also write:

To your own government's Ministry of Foreign Affairs and Ministry for International Development, asking them to support NGO and governmental efforts to improve conditions of detention in Burundi.

- to condemn firmly and publicly any human rights abuses committed in Burundi now and during the transitional period;
- to support the UN human rights monitoring mission in Burundi, which should be maintained and expanded.

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January 2001

BURUNDI: THE CHALLENGE FOR PEACE WITH HUMAN RIGHTS

In August 2000, after two years of negotiations, a peace agreement was signed bringing into sight the possibility of an end to Burundi's seven-year-old civil war. However, a final settlement is far from certain. The peace accord was less than conclusive and fundamental differences remain between the various parties involved in the peace talks. The two major armed opposition groups have yet to sign the accord and no cease-fire has yet been agreed.

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Although ethnic division between the Hutu majority and Tutsi minority is a factor in the violence, the conflict is essentially a struggle for political and economic power, pitching Tutsi dominance over Burundi's political, financial and military structures against the aspirations of the majority. Reconciling these divergent interests while allaying the security fears of all ethnic communities has been a major challenge for those seeking peace and reconciliation in Burundi.

Negotiations to end the conflict began in June 1998 but initially showed few signs of progress. Both the military and armed opposition groups resorted to serious human rights abuses at key moments in the peace process in order to increase the tension and demonstrate their power. Some political leaders added to the tension, deliberately inciting violence or arming militias. In December 1999 former South African president Nelson Mandela took over as Facilitator to the peace process. His forceful influence helped bring about the August 2000 accord. This accord, however, remains flawed in key respects, the killings continue, and the prospect of a conclusive peace still seems remote.

Uncertainty over what the future holds has exacerbated existing divisions and triggered renewed violence. Yet, however fragile, the agreement does hold out a real possibility for peace and has generated a dialogue -- still emerging -- within Burundi on the issues that divide the country. In the words of the «ITEKA» League for Human Rights, Burundi now stands "at the crossroads, at the hour of major decisions" ("*à la croisée des chemins, à l'heure des grandes décisions*").

For many years both «ITEKA» and the *Association Burundaise pour la Défense des Droits des Prisonniers* (ABDP), Burundian Association for the Defence of Prisoners' Rights, have worked to foster reconciliation between Burundi's ethnic groups. Both organizations explicitly reject the ethnic polarization of Burundi's society. In their monitoring of human rights violations, the ADBP and «ITEKA» have documented the sufferings of all Burundi's communities and their human rights promotion work has been directed at all sectors of Burundian society. «ITEKA» additionally broadcasts a weekly national radio program on human rights issues and organizes human rights education "clubs" in schools around the country.

From the perspective of national and international human rights organizations, lasting reconciliation and genuine security for Burundi's

citizens may only be achieved by establishing robust measures for human rights protection and by ensuring full accountability for previous abuses committed by both sides. Recently, both the ADBP and «ITEKA» have made human rights issues around the peace process a priority for their work, urging Burundi's politicians to put human rights at the heart of the agenda for peace. In this context both the ADBP and «ITEKA» have issued calls for reform of Burundi's judicial system, emphasizing that the even-handed treatment of all Burundians before the law will be an essential element in promoting reconciliation, and have urged the government to intensify its public information campaign about the peace process and to respect rights to peaceful freedom of expression on the issues involved.

Also central to both organizations' appeals is that any peace accord must not include any amnesty for past serious human rights violations, including war crimes and crimes against humanity, but that such violations must be fully investigated and the perpetrators brought to justice. Only with the confidence that the cycle of violence and impunity for violence has been truly broken can Burundians believe in a lasting peace.

Whatever the future holds, it is clear that Burundi's human rights organizations will have a particular importance in observing and reporting on human rights developments. Amnesty International, for its part, wants to make sure that they are able to work in safety and without obstruction. Amnesty International is also concerned that the UN Office of the High Commissioner for Human Rights in Burundi -- whose role in the coming months will be equally important -- may be scaled down or discontinued. Amnesty International urges the international community to renew its commitment to the UN human rights monitoring mission and expand its presence in the country.

PLEASE SUPPORT THE ADBP AND «ITEKA» IN THEIR EFFORTS TO PROMOTE RECONCILIATION THROUGH HUMAN RIGHTS

Please write to:

Minister of Justice
Monsieur Térance SINUNGURUZA
Ministre de la Justice et Garde des sceaux
Ministère de la Justice
BP 1880 BUJUMBURA, Burundi
Fax: +257 22 21 48

Minister of Defence
Colonel Cyrille NDAYIRUKIYE
Ministre de la Défense Nationale
Ministère de la Défense Nationale
BP 1870 BUJUMBURA, Burundi
Fax: +257 22 39 59 / 22 71 05

Please call on the Burundian authorities to:

- cooperate with national and international humanitarian and human rights organizations in ensuring that the basic needs and fundamental rights of returning refugee and displaced people are met;
- ensure that no human rights violations are again committed against the displaced population, and that reports of past violations are fully investigated and the perpetrators brought to justice.

Please also write to:

The Government of Tanzania, Minister of Home Affairs

Mr Ali Ameir MOHAMED, Minister of Home Affairs, Ministry of Home Affairs
PO Box 9223 DAR ES SALAAM, Tanzania; Fax: +255 51 118334

and to your own Minister of Foreign Affairs. Ask them to:

- uphold international refugee law by ensuring *that Burundian refugees are not at any time forcibly returned to Burundi.*
- *ensure that refugees are not encouraged to return voluntarily unless the human rights situation in Burundi has improved to such an enduring extent that the returning refugees' safety can be assured. The right of individual refugees not to return if they do not wish to do so should always be respected.*

In addition please ask your own government to:

- share the costs and responsibilities of protecting Burundi's refugees, now and during any future returns. *Financial support for refugee protection and assistance should be provided to Tanzania and other states in the region hosting large numbers of Burundian refugees*

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Public

AI Index: AFR 16/001/2001

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IN SEARCH OF PROTECTION: BURUNDI'S REFUGEES AND DISPLACED



In the course of Burundi's civil war more than 300,000 Burundians have sought refuge in neighbouring countries. A further 800,000 have been displaced within Burundi, including around 290,000 who were forcibly moved by the Burundian military into squalid "regroupment" camps. Burundi's refugees and displaced are especially vulnerable to human rights abuses and are in desperate need of protection. In the wake of a peace agreement, their future resettlement and

possible repatriation will be one of the most critical challenges facing Burundi and the international community as a whole.

Most (over 250,000) of those who have fled abroad have sought refuge in neighbouring Tanzania, a country that already hosts around 200,000 Burundians who had fled earlier violence. Refugees in Tanzania are facing mounting hostility: in late 1999 the authorities ordered all refugees in northwestern Tanzania, many of whom had been settled for years in local villages, to go into refugee camps, and several hundred Burundian refugees have recently been returned against their will to Burundi, in contravention of international and Tanzanian domestic law. The camps in Tanzania are overcrowded and freedom of movement is severely restricted. In many camps there is a serious problem of sexual and domestic violence against female refugees. Recruitment from the camps by Burundian armed opposition groups has also taken place, further undermining protection standards.

The most immediate danger faced by Burundi's refugees is that their host countries may seek to forcibly repatriate them in the wake of a peace agreement or cease-fire, but before lasting conditions of safety exist in Burundi and before the infrastructure has been put in place that will be needed to support a large returning population. A mass repatriation -- particularly if forced -- would create a new humanitarian crisis. Any forcible return of refugees would be in contravention of international standards, which emphasize that any repatriations must be entirely voluntary and must conform to firm principles of protection, notably that the improvement in the human rights situation in the country of origin must be of a profound and enduring nature and that refugees will not be at risk of human rights violations during or after their return.

The "regrouped"

In September 1999 more than 290,000 civilians, almost all from the Hutu ethnic majority, were forcibly moved by the Tutsi-dominated army from their homes in Rural Bujumbura province into "regroupment" camps, in violation of international law. The government claimed the camps were to protect people from attacks by mainly Hutu armed opposition groups, but the regroupment policy enabled the authorities to maintain greater control over a suspect civilian population. Conditions in the camps were appalling: possibly thousands are believed to have died from disease or malnutrition.

Following international pressure, the government has now closed all regroupment camps. But the closure program was also characterized by human rights violations

Refugees

when people were ordered to clear the camps within hours or days without regard for their right to leave in safety and with dignity. Many of those returning from closed regroupment camps have been forced back to unsafe areas, where their homes have been looted or destroyed and where they are exposed to severe food shortages. Many of these returnees continue to leave their homes at nightfall to hide elsewhere. Others have been unable to go home and are living with other families who themselves have few resources to share. No effort seems to have been made by the government to ease the plight of these returnees or to provide them with necessary humanitarian assistance.

The displaced

Many of the displaced, mainly Tutsi, have sought safety since 1993 in government-run camps, often guarded by soldiers or near military positions. Camps for the displaced have been targeted by Hutu-dominated armed opposition groups, who have deliberately or arbitrarily attacked civilians in the camps. Other displaced civilians, mainly Hutu, remain hidden in the countryside through fear of the security forces and armed opposition. This "dispersed" population has no access to humanitarian aid and is at continual risk of human rights abuses from both sets of armed forces.

The question of land for the returning refugees and internally displaced is politically highly charged. Forced to abandon their smallholdings -- which in most cases represented families' only livelihood -- many refugees, particularly those who have been absent for long periods, will return to find their lands illegally occupied by others. Although the August 2000 peace agreement provides for the return of land or for financial compensation, it is not clear how such a program will operate or whether the authorities will be capable of administering such a program fairly. Failure to resolve the land issue satisfactorily could create a future political flashpoint with the potential to reignite conflict, as in 1993.

PLEASE HELP PROTECT THE RIGHTS OF BURUNDI'S REFUGEES AND DISPLACED

Please write to:

Minister for Reintegration and Resettlement of Displaced and Repatriated People

Dr Pascal NKURUNZIZA, Ministre à la Réinsertion et à la Réinstallation des Déplacés et des Rapatriés, Ministère à la Réinsertion et à la Réinstallation des Déplacés et des Rapatriés, BP 2645 BUJUMBURA, Burundi - Fax: +257 21 82 01

Minister for Human Rights

Express concern at the problem of “disappearances” in Burundi and on the case of Feliazard Nahimana in particular. Ask them to:

- Fully investigate the "disappearance" of Feliazard Nahimana on 11 August 2000 just yards outside Mpimba central prison, disclose Feliazard Nahimana's whereabouts and bring the perpetrators of his "disappearance" to justice.
- Investigate all reported cases of “disappearance” fully and bring any perpetrators to justice;
- Immediately close all unofficial detention centres and ensure that all Burundi's detainees are henceforth held only in officially recognized places of detention;
- Allow immediate and unhindered access to all prisons and detention centres by human rights and humanitarian organizations, and by family members and lawyers of the detainees;
- Introduce proper registration procedures for detainees and enforce legal maximum time limits for preventive detention.
- End the detention of civilians in military custody.

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Monsieur Eugène NINDORERA, Ministre des Droits de la Personne Humaine, des Réformes institutionnelles et des Relations avec l'Assemblée nationale, Ministère des Réformes institutionnelles, BP 6802 BUJUMBURA, Burundi - Fax: +257 21 75 49

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SEARCHING FOR THE TRUTH:
“DISAPPEARANCES” IN BURUNDI

Human rights organizations in Burundi and abroad continue to document numerous cases of "disappearance" of people detained by the gendarmerie or military but whose detention the authorities subsequently deny. In many cases, there is reason to fear that the detainees were extrajudicially executed by the security forces. In others, the "disappeared" later emerge from secret detention, often bearing the scars of torture. Many of Burundi's recent "disappeared" are suspected by the authorities of being opponents of the government or of having links with armed opposition groups.

As part of their work in defence of human rights, both the *Association Burundaise pour la Défense des Droits des Prisonniers* (ABDP), Burundian Association for the Defence of Prisoners' Rights, and the «ITEKA» Burundian League for Human Rights have become increasingly involved in investigating cases of “disappearance”. Such investigations can be dangerous as well as extremely difficult and access to detention centres is routinely denied to human rights organizations. These problems are exacerbated by the fact that proper detention records are rarely kept, legal maximum time limits for holding detainees in preventive custody are routinely ignored and detainees are often secretly moved by the authorities between different detention centres.

On 11 August 2000, Feliazard Nahimana "disappeared" shortly after being released from Mpimba central prison on the outskirts of Bujumbura. According to reports, Feliazard Nahimana was stopped by two soldiers a few hundred yards from the prison and driven away in a jeep in the direction of a nearby military base.

Other prisoners released at the same time witnessed the arrest and were able to take down the jeep's registration number. This information enabled the authorities to ascertain that the vehicle had been used that day by the Bujumbura District gendarmerie. However, to date, the two soldiers who detained Feliazard Nahimana have not been identified.

Feliazard Nahimana had been detained earlier in the day accused of collaborating with an armed opposition group but his unconditional release was ordered by an investigating magistrate who ruled he had no case to answer. Questions remain, however, about possible collusion between justice officials, the military and the gendarmerie in Feliazard Nahimana's "disappearance", since his departure from the prison had reportedly been delayed by several hours that day while his release papers were being prepared.

The State Public Prosecutor ordered the Bujumbura District Prosecutor to investigate the case. However, the investigation did not progress. Feliazard Nahimana has not been seen since and he is believed to have been killed shortly afterwards.

happened to the "disappeared". Some reappear -- often bearing marks of torture -- after being held for long periods in incommunicado detention. The fate of others remains unknown, although there is every reason to fear that many were killed at the hands of the security forces. In October 1999, Amnesty International called for investigations into an alleged secret burial ground in the Kamenge area of Bujumbura where the bodies of up to 15 people who had "disappeared" after their arrest by soldiers were reported to be buried. No investigation into this site or the alleged killings is known to have taken place.

PLEASE SUPPORT THE ABDP AND «ITEKA» IN THEIR WORK AGAINST "DISAPPEARANCES" IN BURUNDI

Please write to:

President

Major Pierre BUYOYA
Président de la République
Présidence de la République
BP 1870 BUJUMBURA
Burundi
Fax: +257 22 74 90

Minister of Defence

Colonel Cyrille NDAYIRUKIYE
Ministre de la Défense Nationale
Ministère de la Défense Nationale
BUJUMBURA
Burundi
Fax: +257 22 39 59 / 22 71 05

Procureur Général de la République
Monsieur Gérard NGENDABANKA
Procureur Général de la République
BUJUMBURA

As a result in many cases it is not possible to establish with certainty what

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and to Burundi's diplomatic representative in your own country.

Minister for Human Rights

Monsieur Eugène NINDORERA
Ministre des Droits de la Personne Humaine, des Réformes institutionnelles et
des Relations avec l'Assemblée nationale
Ministère des Réformes institutionnelles
BP 6802 BUJUMBURA
Burundi
Fax: + 257 21 75 49

Please ask the Ministers to:

- respect the right of detainees to be tried within a reasonable time and take measures to speed up the progress of trials in Burundi, ensuring that the cases of those who have been held in detention without trial for extended periods are dealt with promptly and releasing without delay detainees against whom there is no or insufficient evidence;
- take measures to ensure that all trials, including trials by military courts, conform to international standards of fairness, including by guaranteeing the right to a full appeal in all cases;
- ensure that the new Code of Criminal Procedure is implemented in practice by all law enforcement personnel, taking action against law enforcement officers who fail to observe the correct arrest and detention procedures.

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Public

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UNEVEN JUSTICE IN BURUNDI

Burundi's justice system is in urgent need of reform if it is to function fairly and competently. The vast majority of Burundi's more than 9,000 prisoners have been held without trial, or even without charge, for several years. Many are held unlawfully without substantiating evidence, and most claim to have suffered ill-treatment or torture in the early stages of detention.

The majority of those detained are civilian members of the Hutu ethnic group accused of taking part in the 1993 massacres of Tutsi which followed the assassination of Hutu president Melchior Ndadaye by a group of Tutsi soldiers.

A large number of others are accused of collaboration with Hutu-dominated armed opposition groups. Although many Tutsi civilians and members of the security forces are known to have committed grave human rights abuses, including reprisal killings of thousands of Hutu in October 1993, few have ever been brought to justice.

Trials and legal proceedings in Burundi are marked by violations of international fair trial standards. There is no right to a full appeal in capital cases. Statements extracted under torture are routinely accepted by the courts without challenge or investigation. Over 350 Burundians have been sentenced to death, virtually all after unfair trials and most of them in connection with the 1993 massacres.

On 19 October 2000 two soldiers, Napoléon Manirakiza and Sergeant René Rukengamangamizi, were publicly executed by firing squad just hours after they were sentenced to death by a military court in Gitega. Both men were convicted of murder after unfair trials, in which they were denied legal assistance. Their execution was in flagrant disregard of their right to appeal. Amnesty International is concerned that other prisoners under sentence of death, in particular those convicted by military courts, could now face imminent execution.

Amnesty International opposes the death penalty in all circumstances as a violation of the right to life and the ultimate cruel, inhuman and degrading punishment.

Trials are often lengthy and may last years through repeated postponements. Burundian law stipulates that all witnesses must be present for a trial to proceed, but the courts have yet to establish an effective system for tracking witnesses and a high proportion of trials are deferred because of their absence. As the entire country has been touched at one point or another by the violent conflict and political crisis, witnesses may have fled the country or to other parts of Burundi, or may simply have died. Witnesses -- if identified and prepared to testify -- must pay their own costs, but many people are simply unable to do this. Others are further discouraged as they know the likelihood is that they will turn up in court only for the case to be adjourned for several months. As a result even when, after several years, a detainee might get to be heard in the court - often the first chance for many to challenge the legality or basis of their detention - there is no guarantee that hearings will take place.

Burundi's detainees have been helped immensely by the work of the *Association Burundaise pour la Défense des Droits des Prisonniers* (ABDP), Burundian Association for the Defence of Prisoners' Rights, and the «ITEKA» Burundian League for Human Rights.

The ABDP is itself founded by a group of former prisoners. Before the organization came into being, most detainees had never seen the case files containing information on the charges and the progress of proceedings against them. Many files were missing or non-existent. The ABDP set about reuniting detainees with their case files, and persuading the authorities to bring records up to date and to ensure that all detainees were informed of the progress of the cases against them. The ABDP has also ensured that convicted prisoners are given access to the texts of court judgments against them.

The ABDP also works to inform prisoners of their rights and to rectify the most blatant of injustices. Through its "Projet d'Assistance Judiciaire", Judicial Assistance Program, the organization arranges legal assistance for scores of detainees. To date, the ABDP has also assisted hundreds of prisoners to obtain their legal entitlement to conditional release.

«ITEKA» also provides legal assistance to detainees and has a program of witness transportation to assist witnesses are unable to travel to court by their own means. The program is crucial in ensuring that the rights of victims and defendants are better respected, and helps to reduce delays in hearings.

These efforts are an illustration of practical initiatives being taken by the ABDP and «ITEKA» to help assure that prisoner's human rights and judicial procedures are better respected. Both organizations have been in the forefront of calls for the reform and modernization of Burundi's justice and penal systems, and contributed to the debate on a new Code of Criminal Procedure. The new Code has in some regions improved respect for arrest and detention procedures.

YOU CAN HELP THE ABDP AND «ITEKA» IN THEIR EFFORTS TO IMPROVE THE ADMINISTRATION OF JUSTICE IN BURUNDI

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