

12 May 2000

Further information on UA 38/00 (AFR 16/05/00, 15 February 2000) and follow-up (AFR 16/06/00, 18 February) - Death in detention / Torture and ill-treatment

BURUNDI Scores of detainees including:

Lévi RUKONDO, School director

Nestor NIKOBAGOMBA

Canésius BARAKAMFITIYE, Adviser, Ministry of Foreign Relations

Eliazard BANDYAMBONA

André BAZIRINYAKAMWE, Employee, Ministry of Foreign Relations

André BIGIRIMANA

Pascal NYABENDA, farmer

Etienne BAYAMPUNDE, farmer

Diomède BUYOYA, domestic employee (dead)

The gendarmerie officer accused of beating Diomède Buyoya to death was released, apparently without charge, on 30 March, and is reported to have returned to work. The charges against him were dropped on the orders of the Military Prosecutor (*Auditeur militaire*). It is not clear why the charges were dropped, and no further investigation into Diomède Buyoya's death in custody is known to have been carried out.

Diomède Buyoya worked for the officer's wife, who claimed he insulted her. The officer, an investigating officer with the *Brigade speciale de recherche* (BSR), Special Investigation Unit, arrested Diomède Buyoya and took him to the BSR on 12 February. Diomède Buyoya died there the following day, apparently as a result of torture.

The officer was arrested and accused of murdering Diomède Buyoya some days later, after the intervention of a Burundian human rights group, the *Association burundaise pour la défense des droits des prisonniers* (ABDP), Burundian Association for the Defence of Prisoners' rights. Amnesty International is deeply concerned that he has been released without any proper investigation into the crime.

Amnesty International no longer considers the other people named above to be at risk of torture or of "disappearance". All were provisionally released after paying a fine, except for Lévi Rukondo, Nestor Nikogabomba and Canésius Barakamfitye, who are held in Mpimba central prison.

Reports that both Lévi Rukondo and Canésius Barakamfitye were tortured while in custody have not been investigated.

Lévi Rukondo, Nestor Nikogabomba and Canésius Barakamfitye were transferred to Mpimba Central prison on 14 March. They were arrested after a grenade explosion in Bujumbura central market in November 1999, and are accused of links with armed opposition groups (*participation aux bandes armées*) and conspiracy/attack likely to cause massacre (*attentat tendant à porter le massacre*). Investigations are continuing into the allegations against them and others accused of involvement in the grenade explosion.

FURTHER RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in French or your own language (Please check whether postal services to Burundi are operating from your country):

- calling for an investigation into the death of Diomède Buyoya on 13 February and for those responsible to be brought to justice;
- calling for any member of the BSR under investigation for the death of Diomède Buyoya to be suspended from duty pending the outcome of any inquiry;
- calling for reports that Lévi Rukondo and Canésius Barakamfitye were tortured in custody to be investigated and if substantiated, for those responsible to be brought to justice;
- calling for Lévi Rukondo, Canésius Barakamfitye and Nestor Nikogabomba to be released if they are not to be promptly charged with a recognizably criminal offence for which there is substantiating evidence.

APPEALS TO: (It may be difficult to get faxes through. Please keep trying.)

Procureur Général de la République
Monsieur Gérard NGENDABANKA
Procureur Général de la République
Bujumbura
Burundi

Telegrams: Procureur general, Bujumbura, Burundi

Faxes: + 257 24 15 03

Salutation: Monsieur le Procureur général de la République / Dear State Public Prosecutor

Minister of Defence
Colonel Cyrille NDAYIRUKIYE
Ministre de la Défense Nationale
Ministère de la Défense Nationale
BUJUMBURA
Burundi

Telegrams: Ministre Defense, Bujumbura, Burundi

Faxes: + 257 22 39 59 / 22 71 05

Salutation: Monsieur le Ministre / Dear Minister

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

Telegrams: Ministre Justice, Bujumbura, Burundi

Faxes: + 257 22 21 48

Salutation: Monsieur le Ministre / Dear Minister

Military prosecutor
Lieutenant-Colonel Etienne SINDIHERA
Auditeur militaire
Ministère de la Défense
BUJUMBURA
Burundi

Telegrams: Auditeur Militaire, Bujumbura, Burundi

Faxes: + 257 22 39 59 / 22 71 05

Salutation: Monsieur l'Auditeur Militaire / Dear Military Prosecutor

COPIES TO:

Monsieur Eugène NINDORERA

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

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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 23 June 2000.