

PUBLIC

AI Index: AFR 16/015/2001

14 March 2001

Further information on UA 06/01 (AFR 16/004/2001, 12 January 2001) and follow-ups (AFR 16/005/2001, 15 January 2001; AFR 16/006/2001, 18 January 2001 and AFR 16/008/2001, 22 February 2001) - Fear of Torture / incommunicado detention

BURUNDINathanael Bisesere, bicycle repairer

Transferred: Bernard Barayegeeranije, advisor to local government official

Barnabé Barayegeeranije, his brother

Simon Nani, low level government official (*chef de colline*)

Ndajige, farmer

Seraphine Nduwimana(f), "Mama Sonia" trader

"Mama Richard" Niyikundana, trader

Released: Rémgie Ntuyahaga

Tite Mpawnimana, farmer

Two of the detainees named above, Rémgie Ntuyahaga and Tite Mpawnimana, have now been unconditionally released, and six others have been transferred to Mpimba central prison in the capital, Bujumbura.

Rémgie Ntuyahaga was released unconditionally on 12 March. Tite Mpawnimana has also been released, although the date of his release is not known. They are not known to have been tortured while in custody.

Also on 12 March, Bernard and Barnabé Barayegeeranije, Simon Nani, Ndajige, "Mama Sonia" and "Mama Richard" Niyikundana were transferred to Mpimba central prison, where they are not considered to be at risk of torture. They have not yet been charged, appeared in court or had the opportunity to challenge the basis for their detention, and are held in contravention of Burundian law, which says that detainees can be held for questioning (*Garde à vue*) for a maximum of 14 days. They have been detained since early January and are accused of having been involved in an attack on a civilian aircraft in December 2000. Their transfer was ordered by the president of the commission which is investigating the attack, and was procedurally irregular. The State Public Prosecutor, who set up the commission, was also not informed of the transfer.

Shortly before their transfer to Mpimba central prison, Bernard and Barnabé Barayegeeranije were reportedly severely beaten at the *Groupement d'intervention*, a detention centre in Bujumbura, where they were held for three days. They had been transferred to this centre following a sustained attack on the city by the armed opposition group, the *Forces nationales de libération* (FNL), National Liberation Forces, which the government claims was responsible for the December 2000 attack on the civilian aircraft. Detainees suspected of collaborating with the FNL or other armed opposition groups are frequently tortured at the *Groupement d'intervention*.

Nathanael Bisesere, who is accused of selling ammunition from a military camp to the FNL, is still detained at the *Brigade spéciale de Recherche* (BSR), gendarmerie special investigation unit, in Bujumbura. Amnesty International is concerned for his physical well-being, as detainees are routinely tortured or ill-treated at the BSR. Nathanael Bisesere has not yet been charged, and, like the others, is held in contravention of Burundian law. No further information is available on a number of soldiers reportedly arrested with him.

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

- urging the authorities to guarantee that Nathanael Bisesere will be protected from torture or cruel, inhuman or degrading treatment, and that he will have access to his family, lawyers and humanitarian and human rights organizations;
- calling for an investigation into reports that a number of soldiers were arrested with Nathanael Bisesere, and, if confirmed, for their identities and whereabouts to be made public;
- calling for the allegations that Bernard and Barnabé Barayegeranije were severely beaten at the *Groupement d'intervention* to be investigated, and for those responsible to be brought to justice;
- calling for Nathanael Bisesere and the six detainees (please give names) who are now held in Mpimba central prison to be released if they are not to be charged with a recognizably criminal offence.

APPEALS TO (Please note, it can be difficult to get through on the numbers given below, and you may be told by the operator that they are temporarily out of order. Please be patient and keep trying):

Head of State

Son Excellence

Major Pierre BUYOYA

Président de la République

Présidence de la République

BP 1870 Bujumbura, Burundi

Telegrams:President, Bujumbura, Burundi

Faxes:+ 257 22 74 90

Salutation: Monsieur le Président de la République / Dear President

Minister of National Defence

Colonel Cyrille NDAYIRUKIYE

Ministre de la Défense Nationale

Ministère de la Défense Nationale

BUJUMBURA, Burundi

Telegrams:Ministre Defense, Bujumbura, Burundi

Faxes: + 257 22 56 86

Salutation:Monsieur le Ministre / Dear Minister

Chief of Staff of the Gendarmerie

Colonel Salvator NDAYIYUNVIYE

Chef de l'Etat-major générale de la gEndarmerie

Etat-major général de la gendarmerie

Ministère de la Défense nationale

BUJUMBURA, Burundi

Telegrams:Chef Etat Major Gendarmerie, Bujumbura, Burundi

Faxes:+ 257 22 56 86

Salutation:Monsier le Chef de l'Etat-major / Dear Gendarmerie Chief of Staff

Procureur Général de la République

Monsieur Gérard NGENDABANKA

Procureur Général de la République

Bujumbura

Burundi

Telegrams:Procureur general, Bujumbura, Burundi

Fax: + 257 24 15 03

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

COPIES TO:

Minister for Human Rights, Institutional Reform and Relations with the National Assembly

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 25 April 2001.