

PUBLIC

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UA 304/03 Ill-treatment/Fear of torture or ill-treatment/Fear of “disappearance”

BURUNDI
Moussa NDIKUMANA (m)
Berchmans NSAGUYE (m)
Alexandre JAMBORYIZA (m)
Shabani NKESHIMANA (m)
Michel BIGIRIMANA (m)
Moussa MUTAMA (m)
Karim NIYONSABA (m)
Stany HATUNGIMANA (m)

The eight men named above have reportedly been badly beaten and ill-treated in military custody following their arrest on 15 September. They are currently detained in Muzinda military barracks (*camp militaire*) in the capital, Bujumbura. Amnesty International is concerned that they may be at risk of torture or further ill-treatment, or even “disappearance”.

The men, all civilians, were arrested in Ngozi province in northern Burundi by members of the Burundian armed forces, on suspicion of links with the Burundi’s main armed political group, *Conseil National pour la Défense de la Démocratie – Forces pour la Défense de la Démocratie* (CNDD-FDD), which is led by Pierre Nkurunziza. Following their arrest, the men were detained incommunicado in Ngozi barracks, where they are believed to have been badly beaten. It is not known whether they have received medical treatment, but it is thought that this is highly unlikely.

Under Burundian legislation, the accusations against the men should be investigated by the civilian judiciary as all those detained are civilians, and the men should be detained in recognized places of detention rather than military barracks. On or around 30 September, reportedly following attempts by the State Prosecutor in Ngozi province to investigate the arrests, the men were transferred to the custody of the gendarmerie in Gatumba Brigade, Rural Bujumbura province. At least some of the detainees were reportedly ill-treated in Gatumba. They were then transferred to Muzinda military barracks in Bujumbura on 23 October. The transfer of the men to different places of detention appears to be an attempt by military commanders to prevent members of the civilian judiciary and independent observers from having access to the detainees. This lack of access leaves them vulnerable to human rights abuses including ill-treatment and torture, as well as “disappearance”.

BACKGROUND INFORMATION

Torture and ill-treatment are routine in the early stages of detention in Burundi. The problem is particularly acute in military and gendarmerie detention, particularly as people are often held incommunicado in illegal places of detention, and their access to families, and human rights and humanitarian organizations is often denied. People suspected of links with armed political 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 some cases this appears to be motivated by the desire to hide ill-treatment as detainees are handed over to the proper authorities once injuries sustained from ill-treatment or as a result of torture are less visible. In other cases, the “disappeared” are simply executed and the bodies disposed of.

In December 2002, a ceasefire agreement was signed between the Government of Burundi and the CNDD-FDD (Nkurunziza). Both sides repeatedly violated it however and since December conflict and human rights abuses attributed to both parties have escalated. On 8 October, a power sharing agreement on implementation of the ceasefire agreement was signed in South Africa between the two parties. Negotiations are continuing on a number of outstanding issues.

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

- expressing concern at reports that Moussa Ndikumana, Berchmans Nsaguye, Alexandre Jamboryiza, Shabani Nkeshimana, Michel Bigirimana, Moussa Mutama, Karim Niyonsaba and Stany Hatungimana have been badly beaten while in the custody of the Burundian armed forces, and that some of them may also have been ill-treated in gendarmerie detention;
- calling for guarantees that the eight men will be immediately protected from ill-treatment and torture;
- urging the authorities to transfer the men immediately to a recognized place of detention, and calling for them to be allowed immediate and continued access to their families, medical care, legal assistance and humanitarian and human rights organizations;
- calling for the eight men 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;
- calling for a prompt and impartial investigation into the allegations of the ill-treatment of the men in Ngozi barracks (*camp militaire*) and Gatumba gendarmerie brigade, for the results to be made public and anyone found to be responsible to be brought to justice.

APPEALS TO: (As postal services to Burundi may be erratic, please send appeals via fax or telegram where possible. Fax numbers can be difficult to obtain; please keep trying)

President

Son Excellence
Monsieur Domitien NDAYIZEYE
Président de la République
La Présidence
Burundi

Telegram: President, Présidence, Bujumbura, Burundi
Fax: + 257 21 26 70
Salutation: Monsieur le Président de la République / Your Excellency

Minister of Defence

Général-Major Vincent NIYUNGEKO
Ministre de la Défense nationale
Ministère de la Défense nationale, Bujumbura, Burundi
Telegram: Ministre défense, Bujumbura, Burundi
Fax: + 257 24 87 15
Salutation: Monsieur le Ministre / Dear Minister

Minister of Justice

Monsieur Fulgence DWIMA BAKANA
Ministre de la Justice et Garde des Sceaux
Ministère de la Justice, Bujumbura, Burundi
Telegram: Ministre Justice, Bujumbura, Burundi
Fax: + 257 21 86 10
Salutation: Monsieur le Ministre / Dear Minister

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, des Réformes institutionnelles et des Relations avec l'Assemblée nationale
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 9 December 2003.