

Urgent Action In Focus

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Former detainee Jean Minani and Laurent Gahungu holding Jean Minani's UA. © AI 2004

'I wish every letter-writer could have been there'

In March 1995, an Amnesty International researcher on a mission in Burundi collected vital evidence that Jean Minani, a peasant farmer, had been tortured while in detention. This evidence ultimately contributed to Jean Minani's release. Ten years on, the researcher returned to the country and saw Jean Minani again.

There is little to distinguish Jean Minani's house from the others in the crowded, poverty-stricken district of Kinama in the city of Bujumbura, Burundi. One small window looks out over the dusty ground, the corrugated iron roof is rusting, mattresses on the floor are almost the only furniture.

On one wall, however, hangs something unique - a faded, nine-year-old copy of

the Urgent Action issued by Amnesty International to protect Jean Minani from torture.

The action was part of a remarkable series of events that not only led to Jean Minani's release, but also helped to establish legal history in Burundi.

Urgent Action delivers protection from "more or less violent methods"

Our story begins almost ten years ago. In March 1995, while on mission in Burundi, Amnesty International delegates heard reports that many people held in a detention centre in Bujumbura, the *Brigade spéciale de recherche* (BSR), Special Investigation unit, were being tortured. The two delegates decided to visit the centre and see for themselves.

Expecting the usual barrage of bluster and denial, they were astonished when the newly-appointed commander of the unit acknowledged their concerns. He admitted that the use of "more or less violent methods" to interrogate suspects had been authorised, and, remarkably, allowed them access to the unit and its detainees.

In his later account of the events, the Amnesty International researcher, Stef Vandeginste, remembers that once inside the unit he saw around 100 people in a large central courtyard. As he wandered around, while the unit commander took the other delegate into one corner of the yard, he soon found himself surrounded by detainees. They pulled him in the direction of a detainee bearing the marks and weals of recent torture. The name of this detainee was Jean Minani, a peasant farmer.

Jean Minani's injuries were consistent with the local practice of "indembo" - beating with batons on the arms and back.

"My first reaction was a humanitarian one," Stef Vandeginste reported. "We needed to make sure he received medical treatment. I was shocked, this wasn't something I'd really been prepared for."

Free to carry and use his camera, Stef took photos that proved to be crucially important in the years that followed.

As the delegates left the compound, they knew that to get help to Jean Minani and the other detainees, they needed to alert the outside world as quickly as possible. They decided to contact the headquarters in London and get an Urgent Action issued.

"To get the information through to London was pretty difficult," Stef Vandeginste recalls. "The phones in our hotel were tapped, and we knew the hotel was full of police in civilian clothes. In the end, we had to use our satellite phone, from under a banana tree in front of the hotel".

An Urgent Action (UA 77/95) was issued on 27 March 1995, featuring Jean Minani and 11 others. Within days, thousands of letters and telegrams from people across the world expressing concern for the detainees started to arrive on the desks of Burundi officials. Shortly afterwards, Jean Minani was transferred out of the detention centre, and out of immediate danger.

Amnesty International provides evidence for landmark ruling

Although saved from the threat of further torture, Jean Minani remained in detention, facing the threat of a long prison term or even the death penalty. He was one of 12 men accused of involvement in the March 1995 assassination of Lieutenant Colonel Lucien Sakubu, a former mayor of Bujumbura. He told Amnesty International that he had confessed to the killing while being tortured by a Judicial Police Officer (*Officier de police judiciaire*). When he appeared before the Attorney General in August 1995, he repeated his account of how he had been tortured, and denied that he had been involved in the killing.

It took another three years for his case to come to trial, during which time he was held in Mpimba Central Prison, Bujumbura. The first trial hearing took place in May 1998, and Urgent Action network members again sent thousands of appeals (UA 257/98), stating the evidence of torture and their fears that, if convicted, Jean Minani could face the death penalty.

Amnesty International researchers remained closely involved in the case. The photographs that Stef Vandeginste had taken of Minani back in March 1995, were submitted to the Burundian court as evidence.

Despite the worldwide attention, and the strong evidence, there was little hope that the outcome might be positive. Although international human rights standards then, as now, strictly prohibit

the use of confessions extracted under torture, the practice of torture had yet to be recognized by Burundi's courts. At the time, no one had ever been acquitted because they had 'confessed' under torture. This case, however, was to prove the exception.

In October 1998, Jean Minani was acquitted of all charges. In a landmark ruling, the Bujumbura Court of Appeal accepted that the only evidence against him had been extracted under torture and was inadmissible. The evidence provided by Amnesty International is credited with playing a vital part in this verdict.

"I wish every letter-writer could have been there"

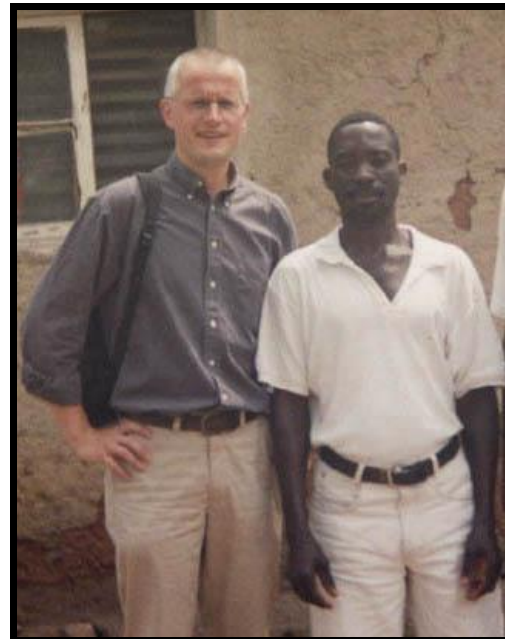
Since Amnesty International was founded, more than 40 years ago, its researchers and members have helped make a difference to many thousands of lives worldwide. In few cases, however, have the results been so directly connected to Amnesty International's campaigning as in the case of Jean Minani.

In September 2004, Stef Vandeginste returned to Burundi. With the help of Laurent Gahungu, head of the Burundian Association for the Defence of Prisoners' Rights (*Association burundaise pour la Défense des Droits des prisonniers*), they managed to track down Jean Minani. Although Stef Vandeginste and Jean Minani had exchanged letters, they had not seen each other since Jean Minani's trial, some six years previously.

Laurent Gahungu led Stef Vandeginste through the crowded streets of Kinama towards Jean Minani's house. "The closer we came to the house," says Stef, "the more people knew about the story, and came to meet me. I realized that this story wasn't just about him, or his family – it had touched a whole community".

The two men were reunited outside Jean Minani's house, where he now lives with his wife and three children. "He looked so much younger than when we first met,"

says Stef. "Words cannot describe how I felt when I saw him again."



Stef Vandeginste with Jean Minani © AI

When Stef asked Jean Minani if he was aware that Amnesty International members from around the world had written letters on his behalf, he signalled that Stef should wait, and disappeared into his house. He emerged with a copy of the Urgent Action, which had been sent to him by his lawyer nine years previously.

"You could hardly read it any more", reports Stef. "It was covered in finger marks, so he must have shown it to many people".

"I wished that all the people who'd written Urgent Action appeals on his behalf could have been there. He said that what had happened to him had been a miracle."