

22 February 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) - Fear of torture / incommunicado detention

BURUNDI Bernard Barayegegeranije, advisor to local government official
Barnabé Barayegegeranije, his brother
Simon Nani, low level government official (*Chef de colline*)
Tite Mpawnimana, farmer
Ndajige, farmer
Rémgie Ntuyahaga
Seraphine Nduwimana or "Mama Sonia" (f), trader
"Mama Richard" Niyikundana (f), trader
Nathanael Bisesere, bicycle repairer

The nine people named above are still detained in police or gendarmerie custody following their arrest in early January. They are yet to be charged and are now held in contravention of Burundian law, which says that detainees can be held for questioning (*Garde à vue*) for a maximum of 14 days.

With the exception of Nathanael Bisesere, they are accused having been involved in an attack on a civilian aircraft coming in to land at Bujumbura airport in December 2000. The government has blamed the attack on an armed opposition group, the *Forces nationales de libération* (FNL), National Liberation Forces, which is very active in the area. The FNL has denied responsibility. The State Public Prosecutor set up a special commission to investigate the attack, but this has been beset by problems and has yet to produce a report. In late January, the Commander of the *District de Bujumbura*, a gendarmerie detention centre, was suspended from the commission after he refused to allow the State Public Prosecutor and the UN Special Rapporteur on Burundi access those suspects who are being held by the *Police spéciale de roulage* (PSR), Special Haulage Police, in Bujumbura.

Nathanael Biserere is not, as first thought, accused of having been involved in the attack on the aircraft, but is held on suspicion of having collaborated with soldiers from a military camp north of Bujumbura to sell ammunition from the camp to the armed opposition. He is held at the *Brigade spéciale de recherche* (BSR), Gendarmerie special investigation unit, in Bujumbura, where detainees are routinely ill-treated and tortured. A number of soldiers from the Muzinda military camp, Bubanza province, with whom he is supposed to have collaborated, have reportedly also been arrested. No information is available on their identities, whereabouts or well-being.

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):

- calling for guarantees that all those detained will be protected from torture or cruel, inhuman or degrading treatment;
- seeking assurances that they have access to humanitarian and human rights organizations, lawyers and members of their families;
- calling for the detainees to be released if they are not to be charged with a recognized criminal offence for which there is substantiating evidence;

- asking for information about the soldiers, who were reportedly arrested along with Nathanael Biserere, and asking that their identities and whereabouts are made public.

APPEALS TO (Please note that it can be difficult to get through to fax numbers in Burundi. 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 Internal Affairs and Public Security

Col. Ascension TWAGIRAMUNGU

Ministre de l'Intérieur et de la Sécurité Publique

Ministère de l'Intérieur

Bujumbura, Burundi

Telegrams: Ministre Interieur, Bujumbura, Burundi

Faxes: + 257 22 19 82

Salutation: Monsieur le Ministre / Dear Minister

Chief of Defence Staff

Général Major Vincent NIYUNGEKO

Chef de l'Etat-major général des Forces armées

Etat-major général des Forces armées

Ministère de la Défense nationale

BP 1870 Bujumbura, Burundi

Telegrams: Chef Etat Major, Forces armées, Bujumbura, Burundi

Faxes: + 257 22 39 59 / 21 75 05

Salutation: Monsieur le Chef de l'Etat-major/Dear Chief of Defence 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

Fax: + 257 21 38 47

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 5 April 2001.