

PUBLIC

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Further Information on EXTRA 49/03 (AFR 16/018/2003, 07 November 2003) Fear of torture / Fear of “disappearance” / Fear of forcible return

BURUNDI/RWANDA

**Aimable NKURUNZIZA (m), Rwandese national
Joseph NZEYIMANA (m), Congolese national**

Released:

MASUMBUKO (m), fisherman

New name:

Charles MUYENZI (m), former military judge, Rwandese national

On 9 November, gendarmes in the town of Rumonge, southern Burundi reportedly handed Aimable Nkurunziza and Charles Muyenzi over to members of the Rwandese security forces or intelligence services. The whereabouts of the two men are unknown and it is feared they have “disappeared”. Amnesty International is gravely concerned for their safety.

A representative of the Burundian army chief of staff has confirmed that the two men were taken to Rwanda. However, Rwandese authorities contacted by Amnesty International have denied knowledge of their transfer and detention, and Amnesty International has been unable to confirm their whereabouts in Rwanda.

Of two other men detained with them in Rumonge gendarmerie headquarters (*brigade*), one, Joseph Nzeyimana, remains in custody in the *brigade*. He has not been charged and remains at risk of torture or ill-treatment. The other man, Masumbuko, was released on 9 November. Amnesty International has learned he is a fisherman, and not a deserter from the Rwandese armed forces, as first thought.

Aimable Nkurunziza, Joseph Nzeyimana, Charles Muyenzi and Masumbuko were arrested in Burundi in late October 2003 and detained in gendarmerie custody in Rumonge. Both Aimable Nkurunziza, a member of the Rwandese Defence Forces (RDF), and Charles Muyenzi, a judge with the Military Prosecutors Office and serving member of the RDF, fled Rwanda to Uganda in early 2003, where they were detained in military custody. Aimable Nkurunziza at least was subsequently granted refugee status by the Ugandan government.

The date of the four men's arrival in Burundi is not known and the motive for their arrest remains unclear. The RDF spokesperson in Rwanda confirmed to Amnesty International that Charles Muyenzi is known to them and they would like to prosecute him to the full extent of the law for desertion; an offence which carries the death penalty in Rwanda. Joseph Nzeyimana was found to be in possession of a number of military uniforms at the time of his arrest. Some sources have reported that the men may be suspected of belonging to an anti-Rwandese armed opposition movement based in Congo.

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

To the Burundian authorities:

- expressing concern at the “disappearance” on 9 November of Aimable Nkurunziza and Charles Muyenzi, after they were reportedly handed over to members of the Rwandese security forces or intelligence;
- reminding them that the forcible return of people to a country where they would be at risk of torture is a violation of Burundi's obligations under international human rights law;
- requesting that they intervene immediately with the Rwandese authorities to ensure that the men are protected from torture and other forms of ill-treatment, and from “disappearance”, that their place of detention is made public and they are granted immediate and sustained access to their families, medical care and legal counsel, as well as to human rights and humanitarian organizations.

- calling for Joseph Nzeyimana, currently detained at Rumonge Gendarmerie Brigade Headquarters, to be protected from torture and other forms of ill-treatment, and from “disappearance”, and for him to be granted immediate and sustained access to his family, medical care and legal counsel, as well as to human rights and humanitarian organizations, and for him to be released if he is not to be promptly charged with a recognizably criminal offence for which there is substantial evidence.

To the Rwandese authorities:

- expressing concern at the “disappearance” of Aimable Nkurunziza and Charles Muyenzi following their transfer from Rumonge on 9 November, apparently at the hands of member of the Rwandese security forces or intelligence;
- requesting the Rwandese authorities to confirm their fate since their transfer from Rumonge and to make public their current whereabouts immediately;
- calling for assurances that the men will be protected, from torture and other forms of ill-treatment, and from “disappearance”, and for them to have immediate and sustained access to their families, medical care and legal counsel, as well as to human rights and humanitarian organizations;
- seeking clarification of the legal grounds for the men’s transfer to Rwanda and the reasons for their continued detention.

APPEALS TO (please note it can be difficult to get faxes through to Burundi. Please keep trying):

In Burundi:

President of the Republic:

Son Excellence

Monsieur Domitien NDAYIZEYE

Président de la République

La Présidence, Bujumbura, 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

In Rwanda:

President of the Republic

President Paul KAGAME

Kigali, Rwanda

Fax: + 250 57 24 31

Email: presirep@rwanda1.com

Salutation: Monsieur le Président de la République/ Your Excellency

Minister of Defence

Major General Marcel GATSINZI

Minister of Defence

Kigali, Rwanda

Fax: + 250 57 69 69

Salutation: Monsieur le Ministre / Dear Minister

COPIES TO:

Burundian 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, Bujumbura, Burundi.

Fax: + 257 21 75 49

President of the Rwandese human rights commission

Madame Kayitesi SAINABU

National Human Rights Commission

Kigali, Rwanda.

Email: cndh@rwanda1.com

Fax: + 250 510 393

and to diplomatic representatives of BURUNDI/RWANDA accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.