

EXTERNAL (for general distribution)

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PLEASE ORGANIZE UP TO 20 APPEALS PER SECTION

UA 341/90

Death in Detention/Legal Concern

22 August 1990

TANZANIA: Remi GAHUTU, leader of a Burundi opposition group  
+ 14 detained Burundi nationals

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Amnesty International is concerned about the death in custody in Tanzania of a refugee from the neighbouring Republic of Burundi. Remi Gahutu, President of a Burundi opposition group, the Parti pour la libération du peuple Hutu (PALIPEHUTU), Party for the Liberation of the Hutu People, reportedly died on 19 August 1990 while being taken to hospital from prison in Dar es Salaam.

According to reports, Remi Gahutu had been suffering from malaria and jaundice, and his health had worsened as a result of ill-treatment, inadequate medical care and an inadequate diet. The exact circumstances of his death are not yet known to Amnesty International, but the organization is concerned that his conditions of imprisonment may have contributed to his death.

Remi Gahutu was originally arrested along with 14 other refugees from Burundi, at Mishamo Refugee Camp, Mpanda District, in March 1989. The reason given for their detention was that they had engaged in unlawful political activity which threatened to create disharmony between Tanzania and Burundi. The other 14 refugees remain in detention without charge or trial in Ukonga Prison, Dar es Salaam. The Tanzanian authorities have insisted that they will continue to be held until they are resettled by the Office of the United Nations High Commissioner for Refugees in a third country.

Many Burundi refugees have lived in Tanzania since 1972. In 1972 Burundi security forces which are dominated by members of the minority Tutsi ethnic group, killed an estimated 80,000 members of the majority Hutu ethnic group. In August 1988 there were intercommunal disturbances in northern Burundi which resulted in at least 5,000 deaths, most of them Hutu, killed by the security forces. Each wave of killings has led to large numbers of Hutu fleeing to Burundi's neighbouring countries, including Tanzania.

The allegation that the 15 were prejudicing relations between Tanzania and Burundi was made only after the refugees had been politically active in Tanzania for several years and seems to have followed high-level lobbying by the Burundi Government to persuade the Tanzanian Government to clamp down on the activities of PALIPEHUTU. PALIPEHUTU is not known to have organized armed opposition to the Burundi Government from bases in Tanzania, although it has recruited members among the Burundi refugee community there.

Amnesty International is investigating whether these Burundi refugees are being detained for having peacefully exercised their internationally-recognized right to freedom of expression and association: if this is so, they are prisoners of conscience and should be released. In addition, international standards require that the detention of any person on any grounds must be reviewed promptly by a judicial or similar authority. Amnesty International is calling for those detained to be released if they are not to be granted a prompt and fair review by a judicial or similar authority to determine whether the reason for their detention is lawful.

Conditions in Tanzanian prisons are generally poor, with a high level of ill-health due to inadequate nutrition and medical care.

**RECOMMENDED ACTION: Telegrams/telexes/express and airmail letters:**

- expressing concern at the death of Remi Gahutu while in custody and at reports that ill-treatment, inadequate medical care and an inadequate diet may have contributed to his death;
- asking whether there has been an independent autopsy to determine the cause of his death, and, if so, what the results of the autopsy were;
- urging that the body be returned to his family;
- urging that there be an inquest to examine reports that Remi Gahutu's health had deteriorated partly due to ill-treatment, inadequate medical care and an inadequate diet;
- seeking confirmation that the other 14 Burundian detainees are being held in conditions which conform with the United Nations' Standard Minimum Rules for the Treatment of Prisoners;
- appealing for the 14 to be released if they are not to be granted a prompt and fair hearing before an independent judicial or similar authority to determine whether the reason for their detention is lawful.

**APPEALS TO:**

The Hon. Ndugu Damian Lubuva  
Attorney-General  
Office of the Attorney-General  
PO Box 9050  
Dar es Salaam  
Tanzania

The Hon. Ndugu Nalaila Kiula  
Minister of Home Affairs  
Ministry of Home Affairs  
PO Box 9223  
Dar es Salaam  
Tanzania

Telegrams: Attorney General Lubuva  
Dar es Salaam, Tanzania

Telegrams: Minister Home Affairs  
Kiula, Dar es Salaam, Tanzania

Telexes: 41086

Telexes: 41231

**COPIES TO:**

The Hon. Ndugu Benjamin Mkapa  
of Foreign Affairs  
Ministry of Foreign Affairs  
PO Box 9000  
Dar es Salaam  
Tanzania

Commissioner Ndugu S Mwanguku Minister  
Commissioner of Prisons  
Prison Headquarters  
PO Box 9190  
Dar es Salaam  
Tanzania

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 3 October 1990.