

EXTRA 141/96 Fear of torture / Possible prisoners of conscience 3 September 1996

**ZAIRE**Kabande, local chief

Rugazura, local chief

Pasteur Muzizi

Pasteur Bugunzu

Pasteur Semutobo

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The five elderly men named above, arrested by members of the *Forces armées zairois* (FAZ) Zairian Armed Forces, on 20 August 1996 in the Lemera area of Uvira Zone in Zaire's South Kivu region, are being held incommunicado in the nearby military camp at Luberizi. Amnesty International is seriously concerned for their safety, given that torture and beatings in custody are routine in Zaire, particularly in military camps.

The five appear to have been arbitrarily arrested and Amnesty International is concerned that they may be prisoners of conscience, held solely because of their ethnic origin. Zairian law states that all arrests must be accompanied by a warrant, reportedly lacking in this case, and that civilian detainees must be presented before a recognizable judicial authority within 48 hours of arrest. As civilians must be transferred to a civilian prison after this time, the five's continuing detention in military custody is illegal under Zairian law.

All five detainees are well-known leaders and respected members of the local Zairian Tutsi ethnic community (known locally as *Banyamulenge*). They have reportedly been accused by members of FAZ of harbouring rebels in the mountainous areas of Uvira zone. Messieurs Kabande and Rugazura are customary chiefs in the Lemera *Collectivité* (administrative unit) and were arrested in their villages by the paracommando unit of FAZ. The three protestant pastors were arrested several hours later the same day, also by paracommandoes, in Lemera centre.

Sources indicate that, following a meeting held by the *Commissaire de Zone d'Uvira* (Commissioner for Uvira Zone) on 25 July 1996, members of the *Banyamulenge* have been targeted for harassment by the military and administrative authorities. In the meeting, the *Commissaire de Zone* allegedly called on the participants, who included local army chiefs as well as the civic community, to "fight the snakes" (referring to the *Banyamulenge*). He also banned a local non-governmental development organization, known for its defence of the *Banyamulenge* community in South Kivu. The *Commissaire* also alluded to the existence of armed rebels based amongst the *Banyamulenge* community in the mountainous region of Uvira Zone.

#### **BACKGROUND INFORMATION**

The *Banyamulenge* community in South Kivu have been suffering increasing harassment from political, military and administrative authorities in Zaire, especially since relations between Zaire and Rwanda have deteriorated after the arrival of millions of Hutu refugees from Rwanda in 1994. The *Banyamulenge* trace their origins to Rwanda, from where they fled following political upheaval at the turn of the century, although they have since acquired Zairian nationality and today consider themselves Zairians.

Since 1981 debate and inquiries by the Zairian parliament have put into question the nationality of members of ethnic groups identified with Rwanda and Burundi, yet holding Zairian nationality. In addition, the Zairian government frequently

accuses the Rwandese authorities of infiltrating eastern Zaire to destabilize the border regions. The result is that members of both the Tutsi and Hutu ethnic groups in Zaire are frequently harassed by government authorities as well as by the local population.

Recent research carried out by Amnesty International in the South Kivu region of Zaire, has shown that torture and beatings in both civilian and military detention centres is routine. In several recent cases, detainees held in military camps have died as a result of severe torture.

**RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in French/Swahili/English or your own language:**

- expressing concern that the people named above appear to have been arbitrarily arrested, solely because of their ethnic origins and are illegally detained at Luberizi camp; demand that they be released or their case be transferred to the *parquet* (public prosecutor's office) immediately;
- Seeking assurances that they are not being tortured, and that they will be allowed immediate and continuing access to lawyers, doctors and family members.

**APPEALS TO:**

President

Son Excellence Maréchal MOBUTU Sese Seko  
de la République  
Présidence de la République  
Mont Ngaliema  
Kinshasa, ZAIRE

Président

**Telegrams: President MOBUTU, Kinshasa, ZAIRE**

**Telexes: 21368**

**Salutation: Monsieur le Président**

South-Kivu Governor

Pasteur KYEMBWA Walumona  
Gouverneur  
Région du Sud-Kivu  
Hôtel de ville  
Bukavu  
République du Zaïre

**Telegrams: Gouverneur Kyembwa, Bukavu, Zaire**

**Salutation: Monsieur le Gouverneur**

Minister of Justice

Monsieur Joseph Nsinga Udju  
Ministre de la Justice et Garde des sceaux  
Ministère de la Justice  
BP 3137  
Kinshasa- Gombe, ZAIRE

**Telegrams: Ministre Nsinga, Kinshasa, Zaire**

**Salutation: Monsieur le Ministre**

**COPIES TO:**

Prime Minister

Monsieur Léon KENGO Wa Dondo  
Premier Ministre  
Hôtel du Conseil Exécutif

Avenue des 3Z  
Kinshasa - Gombe, ZAIRE  
**FAX: +243 88 42062**

Armed Forces Chief of Staff  
Grand amiral ELUKI Monga  
Chef d'Etat-major général des  
Forces armées zairoises (FAZ)  
Ministère de la Défense nationale  
Kinshasa-Ngaliema  
République du Zaïre

and to diplomatic representatives of Zaire accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat,  
or your section office, if sending appeals after 5 October 1996.