

EXTERNAL

AI Index: AFR 16/03/96

UA 46/96

Fear of torture / Legal concern

26 February 1996

BURUNDI Vendage Warigonda
Marcel Nsengiyumva
Alexis Nduwimana
Adrien Ruvuguta
Ignace Kagoma
Mathias Ndiukubwayo
Julien Habonimana
Nestor Ngandabanka
Joseph Ndimurukundo
Jean-Paul Habarugira, school student
and six others (names unconfirmed)

Amnesty International fears that 16 people, currently believed to be held in the headquarters of the *Brigade spéciale de recherche* (BSR), Special Investigation Brigade, in the capital, Bujumbura, may be facing torture or ill-treatment. The organization is also concerned that they may remain detained without charge and without being allowed an opportunity to challenge their detention before an impartial judicial official.

The first nine named above and six others whose identities remain unconfirmed, were arrested on 18 February 1995 with 51 others by the security forces at Gasenyi, a suburb of Bujumbura. Jean-Paul Habarugira, a student at Musema Secondary School, in Kayanza Province, was arrested on 15 February 1995 by the BSR at Gasenyi.

The arrests on 18 February took place following a shoot-out which reportedly took place between government forces and an armed group near Gasenyi, where there is a camp for Hutu displaced by the civil war. As instructed by the authorities, when civilians heard the shooting, they ran towards a position held by government forces. Government forces then arrested 66 men of fighting age and accused them of being members of armed groups. Several men managed to escape as the rest were climbing on to military trucks. About 60 of those arrested were first taken to Second Intervention Battalion in Ngagara, where five men were released. The remaining 55 were taken to the BSR headquarters where 40 were released on 18 and 19 February. The remaining 15 are believed to be still held at the BSR.

Suspects held at the BSR are almost always subjected to torture and other forms of ill-treatment, such as beatings and kneeling on sharp objects, mainly to extract confessions and to force them to incriminate themselves and others.

BACKGROUND INFORMATION

Burundi has been in a state of civil war since 21 October 1993 when President Melchior Ndadaye, a Hutu, was killed by government soldiers during a coup attempt. About 5,600 people, most of them members of the majority Hutu ethnic group, are being held in a number of detention centres around Burundi. The detainees are accused of killing members of the minority Tutsi ethnic group and Hutu members of Tutsi-dominated political parties, and of belonging to exclusively Hutu or Hutu-dominated armed groups which have been fighting the Tutsi-dominated government forces. Most of the detainees are held without charge and all of them without trial.

The Tutsi-dominated judiciary has failed to investigate detainees' torture allegations. In March 1995, Amnesty International delegates visiting Burundi interviewed two detainees who had been tortured (see UA 77/95, AFR 16/04/95, 27 March 1995). The delegates were informed that a top judicial official had authorized the use of violence to extract confessions. Torture is reported to be carried out systematically, and with impunity, in detention centres belonging to the security forces. Deaths in custody are often reported.

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

- expressing concern about reports that the people named above (naming some) are being held at the BSR headquarters where suspects are known to be subjected to torture and other forms of ill-treatment;
- seeking assurances that the detainees have not been tortured and that measures are being taken to guarantee their physical integrity;
- requesting the authorities to ensure that the detainees have access to legal counsel, medical care and visits by their relatives and representatives of human rights and humanitarian organizations;
- asking to be informed of the reasons for their detention, and whether they have been charged with any specific offences;
- urging that the detainees be released without delay, if they have not been charged with recognizably criminal offences.

APPEALS TO:

1. Minister of Justice

Monsieur Gérard NGENDABANKA
Ministre de la Justice et Garde des sceaux
Ministère de la Justice
BP 1880, Bujumbura, République du Burundi

Faxes: +257 22 2148

Telegrams: Ministre de la Justice, Bujumbura, Burundi

Salutation: Monsieur le Ministre / Dear Minister

2. Gendarmerie Chief of Staff

Colonel Pascal SIMBANDUKU
Chef de l'Etat-major général de la gendarmerie
Etat-major général de la gendarmerie
Ministère de la Défense nationale
Bujumbura, République du Burundi

Telegrams: CEMG Simbanduku, Bujumbura, Burundi

Salutation: Monsieur le Chef d'Etat-major / Dear Chief of Staff

3. Procurator General

Monsieur Jean-Bosco BUTASI
Procureur Général
BP 105, Bujumbura, République du Burundi

Telegrams: Procureur General, Bujumbura, Burundi

Salutation: Monsieur le Procureur Général / Dear Procurator General

COPIES TO:

1. Head of State

Son Excellence
le Président Sylvestre NTIBANTUNGANYA
Président de la République

Présidence de la République
BP 1870, Bujumbura, République du Burundi
Faxes: +257 22 7490

2. Prime Minister

Monsieur Antoine NDUWAYO
Premier Ministre
Présidence de la République
BP 2800, Bujumbura, République du Burundi
Faxes: +257 22 64 24

3. Minister for Human Rights

Madame Marcienne MUJAWAHA
Ministre des Droits de la Personne
humaine, de l'Action sociale et de la
Promotion de la femme
Ministère des Droits de la Personne humaine,
de l'Action sociale et de la
Promotion de la femme
BP 2690, Bujumbura, République du Burundi
Faxes: +257 21 5179 or 23 3139

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 20 April 1996.