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**BURUNDI: JUSTICE HAS TO BE FAIR AND IMPARTIAL**

"They told me they'd kill me if I didn't agree [to the accusation]. I believed them. I agreed to everything, but it wasn't true". This is just one of the testimonies gathered by Amnesty International delegates from torture victims in Mbimpa central prison in Burundi.

"Without fair and impartial justice, there will be no end to the political or human rights crisis in Burundi," Amnesty International said in a new report issued today and released on the eve of the first anniversary of the execution of six people who had been convicted of participating in massacres in 1993, following grossly unfair trials.

"It is crucial to bring people responsible for human rights abuses to justice. However, justice should not be selective. People should be tried regardless of their political opinions or ethnic background, or of their position in the government or security forces." Amnesty International said.

Since February 1996, hundreds of people charged with politically motivated violence have been tried in Burundi. Over 8,000 people are awaiting trial on similar charges. The majority of trials and charges have been against civilian members of the Hutu ethnic group accused of participating in the massacres of primarily civilian members of the Tutsi ethnic group which followed the assassination of President Melchior Ndadaye in October 1993.

Other political trials are continuing of opponents of the current government, of people accused, often arbitrarily, of collaboration with or belonging to Hutu-dominated armed opposition groups, and of those accused of involvement in the assassination of President Ndadaye. The majority of trials have failed to meet internationally recognized standards for fair trial. Many have been grossly unfair.

The report is based in part on the findings of a research mission to Burundi in April and May. It describes the abuses of legal procedures at the pre-trial and trial stages.

- 80% of Burundi's detainees -- are held without trial, including thousands who have been held for years without trial. Even now, someone accused of participating in the massacres of 1993 may be arrested without substantiating evidence. It may be years before they have a chance to challenge the legality of their detention. It is clear that some of those detained, including children as young as 12 years old, have been falsely accused in order to settle personal scores.
- Torture is routine, particularly in police custody. Courts fail to investigate allegations of torture, and continue to accept confessions extracted under torture as evidence.

- In many cases people are tried without legal representation. During 1996 and early 1997 the vast majority of defendants were denied legal representation. Although this has now improved, the role of the lawyer in court remains limited, particularly as courts do not adhere to internationally recognized standards for fair trial.
- Trials have been summary. In one case, Corneille Karikurubu, who pleaded not guilty to participation in the massacres of October 1993, was sentenced to death in a trial that lasted under 30 minutes. He had no lawyer and pleaded not guilty.
- Many people have been convicted without their defence witnesses been able to appear in court.
- There is no full right to appeal in the majority of cases. There is therefore little chance of redress for any who have been unfairly convicted.
- The judiciary is not independent or impartial. Urgent reform is needed to ensure greater impartiality and independence. Its impartiality is further perceived to be compromised by its composition, which is overwhelmingly dominated by judicial officials from the Tutsi ethnic group. Military courts similarly cannot guarantee impartiality.
- Prison conditions are also harsh and aggravated by severe overcrowding. Between January and April, more than 200 people died in detention in Ngozi prison. The prison, which has a capacity of 400, holds over 2,408 people.

Amnesty International is also campaigning against the use of the death penalty in Burundi. Six people have already been executed from the first trials. At least 260 people are now under sentence of death in Burundi. They include a small number of soldiers. Virtually all have been sentenced to death after unfair trials.

“The use of the death penalty -- even for the worst crimes-- is itself a violation of human rights,” Amnesty International said. “It can only perpetuate the cycle of bitterness and revenge, instead of bringing about respect for human rights and eventual reconciliation.”

During its recent visit to Burundi, Amnesty International delegates met representatives of the Government, judiciary and law enforcement agencies and discussed with them a series of recommendations in order to improve conditions of detention and strengthen the rule of law. They also met and discussed fair trial concerns with members of the United Nations field office for human rights in Burundi.

In early 1997, the UN established a Program of Judicial Assistance to support and strengthen the Burundi judicial system and to improve the quality of trials. Although this UN Program has had a positive impact, it has not addressed fundamental failings in the system. Unless the persistent abuses are addressed the impact of this program is undermined.

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