

UA 324/00

Execution**BURUNDI More than 350 people under sentence of death**

**Executed: Napoléon Manirakiza  
Sergeant René Rukengamangamizi**

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Two soldiers were executed on 19 October just hours after they were sentenced to death, in flagrant disregard of their right to appeal. Both men received unfair trials, in which they were denied legal assistance. Amnesty International is concerned that other prisoners under sentence of death, in particular those convicted by military courts, could now face imminent execution.

These are the first executions in Burundi since July 1999. There are more than 350 condemned prisoners in the country, including at least five soldiers. Three other soldiers were sentenced to death *in absentia*.

Napoléon Manirakiza, an army deserter, and Sergeant René Rukengamangamizi were executed shortly after they had been sentenced to death by a military court (*conseil de guerre*) in Gitega. Under Burundian law they had the right to appeal to the Military Court of Appeal (*Cour militaire*), then to the cassation chamber of the Supreme Court and finally to the head of state for clemency. They were executed by firing squad on a military training ground. People from the area watched the execution.

Napoléon Manirakiza was convicted of the murder of Father Antonio Bargiggi, a volunteer with an Italian religious association, committed on 3 October. Two others, Martin Ndiokubwayo and Jean-Pierre Bukuru, were sentenced to life imprisonment

Sergeant René Rukengamangamizi was convicted of the premeditated murder of Caritas Nahimana, the head of Gitega medical school, and her two sons on 4 October.

The executions show once again that senior military officers have a blatant disregard for the rule of law. Executions carried out after unfair trials amount to arbitrary executions in violation of the right to life guaranteed in Article 6 of the International Covenant on Civil and Political Rights and Article 4 of the African Charter on Human and People's Rights.

**BACKGROUND INFORMATION**

The last execution carried out in Burundi was that of Corporal Bonaventure Ndikumana, who was executed in Mabanda military camp on 29 July 1999. He had been sentenced to death the previous day by Bujumbura military court (*conseil de guerre*). He was executed despite the fact that his lawyer, the Head of the Burundian Bar Association, had lodged an appeal with the Military Court of Appeal. He had been convicted of the murder of another soldier, reportedly the relative of a senior military official.

The last executions of people sentenced to death by civilian courts were carried out in 1997, when six people sentenced to death after grossly unfair trials were executed.

Over 350 people have now been sentenced to death since 1996, many after unfair trials and years in detention. The fairness of proceedings is undermined by

the fact that case files are not properly compiled, witnesses often do not show up in court, and hearings are repeatedly delayed. Furthermore, under the Burundian legal system, those sentenced to death by civilian courts do not have the right to full appeal. Over 100 people have lost all the limited appeals options open to them and may now only appeal for presidential clemency.

**RECOMMENDED ACTION: Please send telegrams/faxes/express/airmail letters in French or your own language (please check whether postal services are functioning to Burundi from your country):**

- expressing concern at the execution of Napoléon Manirakiza and Sergeant René Rukengamangamizi;
- expressing concern that both men were denied their right to appeal;
- calling for an investigation into why proper legal procedures were not followed, and for those responsible for ordering these arbitrary executions to be brought to justice;
- urging the authorities not to carry out any further executions and for President Buyoya to grant clemency in any capital cases which come before him;
- appealing to the authorities to take all measures necessary to ensure that all trials in Burundi conform to international standards of fairness as required by the international human rights treaties to which Burundi is party, including by providing for the right to a full appeal in capital cases.

**APPEALS TO:** (Please note it can be difficult to get faxes through. You may be told by the operator that the line is not working or the number is wrong. Please keep trying.)

President

Major Pierre Buyoya  
Président de la République  
Présidence de la République  
BP 1870, Bujumbura, Burundi  
**Fax: + 257 22 74 90**  
**Telegrams: Major Buyoya, Bujumbura, Burundi**  
**Salutation: Dear President**

Minister of Defence

Colonel Cyrille NDAYIRUKIYE  
Ministre de la Défense Nationale  
Ministère de la Défense Nationale  
BP 1870 Bujumbura  
Burundi  
**Salutation: Monsieur le Ministre/Dear Minister**  
**Fax: + 257 22 39 59 / 21 75 05**

Minister of Justice

Monsieur TERENCE SINUNGURUZA  
Ministre de la Justice et Garde des sceaux  
Ministère de la Justice  
BP 1880, Bujumbura, Burundi  
**Fax: + 257 22 21 48**  
**Telegram: Ministre Justice, Bujumbura, Burundi**  
**Salutation: Monsieur le Ministre/Dear Minister**

**COPIES TO:**

Minister for Human Rights, Institutional Reform and Relations with the National Assembly

Eugène NINDORERA, Ministre des droits de la Personne humaine, des réformes institutionnelles, et des relations avec l'Assemblée nationale, Ministère des droits de la Personne humaine, des réformes institutionnelles, et des relations avec l'Assemblée nationale, Bujumbura, Burundi

**Fax: + 257 21 38 47**

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 5 December 2000.